S4585-1.1-U

Missouri Judicial Report

Fiscal Year 1987

Vernon County Courthouse

VOLUME 1 EXECUTIVE SUMMARY

Cornerstone ceremonies for the present Vernon County Courthouse, located in Nevada, took place in 1906. Designed and built by architect Robert G. Kirsch, the courthouse is constructed of Carthage stone.

In 1982 and 1983, large areas of the interior of the courthouse were refurbished through an endowment from the L.F. Richardson Fund, with assistance from the county commission.

MISSOURI JUDICIAL REPORT
FISCAL YEAR 1987

(For the period covering July 1, 1986 through June 30, 1987)

PREPARED BY:

OFFICE OF STATE COURTS ADMINISTRATOR
1105 REAR SOUTHWEST BOULEVARD
JEFFERSON CITY, MISSOURI 65101

Supreme Court of Missouri
Jefferson City

CHAMBERS OF
WILLIAM H. BILLINGS, CHIEF JUSTICE

TO: Governor Ashcroft, Members of the General Assembly and Members of the Judiciary

On behalf of the Judiciary of the State of Missouri, I am pleased to transmit the executive summary of the Missouri Judicial Report for fiscal year 1987. This year the report is contained in two volumes; this summary and a detailed statistical report of filings and dispositions in the Supreme Court, the Appellate Court and in each of the 44 Judicial Circuits. The statistical report also contains a new section that profiles each of the circuits, the judges who serve the circuit, and general information about the circuit that affects the business of the courts.

At all levels, the workload of the Judiciary continued to increase during the fiscal year. In all, more than 856,000 matters were filed in the courts in the State of Missouri during fiscal year 1987. This was 36,949 more than the previous year's filings. The courts disposed of 815,861 matters, thus being unable to halt the growth of pending cases. At the end of the year, the pending caseload equaled 511,373 or about two-thirds of a year's workload if no further filings were made and dispositions were continued at the same rate.

Respectfully submitted,

William H. Billings
Chief Justice of the Supreme Court
Presiding Officer of the Judicial
Conference of Missouri

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INTRODUCTION

The fiscal year just ended was a time of progress and accomplishment for the Missouri judiciary, despite the increasing challenges created by growing caseloads and a rapidly shifting population.

These demands were felt most acutely at the Circuit Court level, where Missouri's trial courts reported more than 852,400 cases added to the dockets in FY 1987, a 6.0% increase over FY 1986 and a 20.5% increase from five years ago. The circuit courts are also feeling the impact of child support collection methods such as wage assignments, tax intercepts, and property attachments that have been authorized by the General Assembly in recent years. The number of child support payments has increased from 495,000 in FY 1983 to 951,000 in FY 1987. In addition to caseload growth, the trial courts have experienced the major impact of a general shift in population.

In recent years, Missouri has witnessed significant changes in population density in many regions of the state. The statutory requirement that there be a resident associate circuit judge in each county has created a workload imbalance between those counties losing population, and those gaining. Migration from rural counties, the rise of retirement communities in resort areas as the average age of Missourians increases, a population decline in several large labor centers, and the growth of various suburban areas, have all provided a challenge for the Supreme Court as it seeks to equalize workloads in the circuit courts across the state.

Missouri's appellate courts also experienced record increases. In the Supreme Court, appeal filings were the highest in five years, appeal dispositions were up 23 percent, there was a slight increase in the number of appeals disposed by opinion, and more applications to transfer cases from the Court of Appeals were filed and disposed this year than in any previous year. In addition, there were 2,596 appeals and 459 writs filed in the three districts of the Court of Appeals.

The Missouri Judiciary responded by continuing and initiating policies and systems designed to insure an efficient and responsive judicial system for Missouri. Among other accomplishments in FY 1987, the judiciary ordered 1,297 circuit and associate circuit judge transfers to balance the workload in trial courts; initiated the implementation of the Automated Child Support Trustee System (ACSTS) and the installation of microcomputers in circuit clerk's offices to handle the enormous increase in child support payments; developed the Automated Traffic Record Keeping System for use in associate and municipal divisions; developed a model pegboard general accounting system; announced more than 25 Supreme Court rule changes, and promulgated Rule 15, which mandates continuing legal education for attorneys; disseminated a total revision of criminal jury instructions; and approved distribution of

"Recommended Accounting Guidelines" and "Recommended Accounting Review Procedures for Appointing Authorities."

These accomplishments were achieved within a judicial system that, while more than a century and a half old, has remained responsive to the changing needs of the state.

THE MISSOURI JUDICIAL SYSTEM

Missouri's first constitution, adopted in 1820 as the state prepared to enter the Union, placed the judicial power in a Supreme Court, chancery courts, and circuit and other courts which were to be established by the legislature. Although the structure of the judiciary has been altered through the years, and the demands on the courts have continued to accelerate, the commitment to an impartial and effective system of justice remains.

In 1940, Missouri voters adopted an archetypal amendment to the constitution establishing the Nonpartisan Court Plan. The amendment provides for the nonpartisan appointment of Supreme Court and Court of Appeals judges, as well as Circuit Court judges in the City of St. Louis and Jackson County. Other judicial circuits may adopt the plan if approved by a majority of the voters in the circuit. The plan has been extended by popular election in St. Louis, Clay and Platte Counties and, by charter, to Kansas City municipal court judges. Considered one of the most objective and equitable systems of selecting qualified jurists, the Missouri Court Plan has been adopted as a model for judicial selection plans in many other states and jurisdictions.

In 1979, the state judicial system was reorganized in compliance with an amendment to Article V of the constitution that had been adopted by the voters in 1976. The new judicial article reorganized all former courts of limited jurisdiction into a single trial court as part of Missouri's unified judicial system.

The Supreme Court is the state's highest court in this system, with state-wide jurisdiction. The Court of Appeals, Missouri's intermediate appellate court, consists of three districts, established by statute, with general appellate jurisdiction in all cases not within the jurisdiction of the Supreme Court. The third tier is a Circuit Court, divided into 44 circuits, with original jurisdiction over all cases and matters, civil and criminal.

THE YEAR IN REVIEW

THE SUPREME COURT

APPEALS FILED AND DISPOSED

The total number of appeals filed, 172, was the highest number in five years and was 15 percent higher than the number of appeals, 149, filed in FY 1986. There were 28 criminal appeals, and 144 civil appeals filed in FY 1987. Although the number of criminal filings decreased in FY 1987, civil filings were the highest in six years.

The Court disposed a total of 133 appeals in FY 1987, 25 more than the 108 appeals disposed in FY 1986. Civil appeals disposed increased 20 percent, from 84 appeals disposed in FY 1986, to 101 appeals disposed in FY 1987.

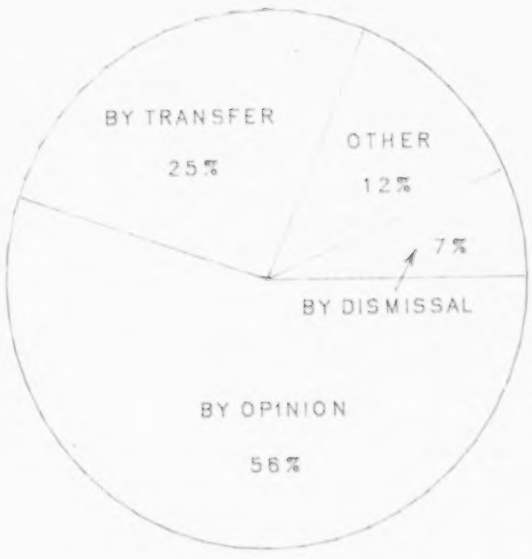
Criminal appeals disposed increased 33 percent, from 24 appeals disposed in FY 1986 to 32 appeals disposed in FY 1987. Overall, the number of appeals disposed was 23% nigher in FY 1987 than in FY 1986.

MANNER OF DISPOSITION FOR APPEALS

The number of appeals disposed by opinion increased slightly, from 72 in FY 1986, to 74 in FY 1987. In FY 1987, 56 percent of all appeals were disposed by opinion, 25 percent were disposed by transfer; 7 percent were disposed by dismissal; 12 percent were disposed by other means. Fifty-eight (58) percent of civil appeals and 47 percent of criminal appeals were disposed by opinion.

Figure 1

SUPREME COURT
APPEALS DISPOSED
BY MANNER OF DISPOSITION



TOTAL APPEALS DISPOSED

133

WRITS FILED AND DISPOSED

The number of writs filed remained constant. The 325 writs filed in FY 1987 included 100 writs of mandamus, 114 writs of prohibition, 99 writs of habeas corpus, six writs of certiorari and six of quo warranto.

There were 291 writs disposed in FY 1987, down slightly from 304 writs disposed in FY 1986.

APPLICATIONS FOR REINSTATEMENT FILED AND DISPOSED

There were three applications for reinstatement filed with the Court in FY 1987; nine applications for reinstatement were disposed. These proceedings are initiated by attorneys who had previously been removed from the practice of law or suspended for more than one year.

APPLICATIONS TO TRANSFER

In FY 1987, applications to transfer, both filed and disposed, were at record highs. There were 704 applications to transfer filed, 11 percent more than the 633 applications to transfer filed in FY 1986. The Court disposed 680 applications to transfer, an 8 percent increase above the 629 applications to transfer disposed in FY 1986.

Since 1980 the number of applications to transfer filed has increased 83 percent; during this same time period, the number of dispositions of applications to transfer has increased 80 percent.

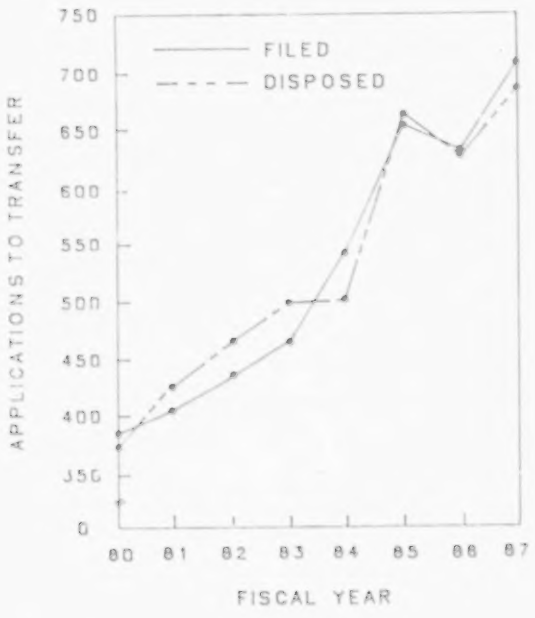
Table 1

SUPREME COURT
APPLICATIONS TO TRANSFER FROM COURT OF APPEALS
FY 1983 THROUGH FY 1987

FISCAL YEAR	FILED	DISPOSED			
		DENIED (%)	SUSTAINED (%)	OTHER (%)	TOTAL
1983	466	457 (92%)	39 (8%)	1 (0%)	497
1984	541	448 (90%)	50 (10%)	0 (0%)	498
1985	654	583 (88%)	76 (12%)	1 (0%)	660
1986	633	561 (89%)	65 (10%)	3 (1%)	629
1987	704	601 (88%)	79 (12%)	0 (0%)	680

Figure 2

SUPREME COURT
APPLICATIONS TO TRANSFER
FILED AND DISPOSED
FY 1980 THROUGH FY 1987



PENDING CASELOADS

The number of pending appeals increased from 119 at the beginning of the fiscal year, to 158 appeals pending at the end of the fiscal year. This growth occurred exclusively in the civil area. There were 56 civil appeals pending at the beginning of the fiscal year; by the end of the fiscal year 99 civil appeals were pending. Pending criminal appeals declined slightly, down from 63 at the beginning of the fiscal year, to 59 by year's end.

The Court began the year with 25 pending writs; that number increased to 59 by June 30th.

STRUCTURE AND JURISDICTION

The responsibility of the Supreme Court is to hear appeals from the lower courts, and to provide administrative and policy leadership for the state judicial system. It is the state appellate court of last resort, and has exclusive jurisdiction in all cases involving the validity of a treaty or statute of the United States or a statute or provision of the Missouri constitution, construction of Missouri's revenue laws, title to a state office, and all cases where the death penalty is imposed.

Prior to 1972, the Supreme Court had jurisdiction in all criminal felony appeals; that jurisdiction changed in 1972, and most felony appeals now go to the Court of Appeals. At present, the Supreme Court's jurisdiction over these cases is largely in the nature of

Table 2

SUPREME COURT
APPEALS FILED
FY 1983 THROUGH FY 1987

FISCAL YEAR	CIVIL	CRIMINAL	TOTAL
1983	101	46	147
1984	106	28	134
1985	109	48	157
1986	105	44	149
1987	144	28	172

Table 3

SUPREME COURT
WRITS FILED BY TYPE OF WRIT
FY 1983 THROUGH FY 1987

FISCAL YEAR	TYPE OF WRIT					
	MANDAMUS	PROHIBITION	HABEAS CORPUS	QUO WARRANTO	OTHER	TOTAL
1983	149	117	94	2	39	401
1984	95	81	74	2	31	283
1985	104	98	80	2	3	287
1986	115	110	95	0	4	324
1987	110	114	99	6	6	325

certiorari, and a large portion of the Supreme Court workload comes in the form of applications for transfer from the Court of Appeals. Many convicted defendants file an application for transfer because failure to file such an application would be a failure to exhaust state remedies. Without such application, a defendant would be ineligible to proceed in federal court.

Each decision on an application to transfer requires a review process that involves many hours of research and discussion before a decision is made to accept or reject the application.

The Court also hears cases involving issues that can be brought directly to the Supreme Court without following the usual procedure through

Figure 3

SUPREME COURT
APPEALS AND WRITS FILED
FY 1984 THROUGH FY 1987

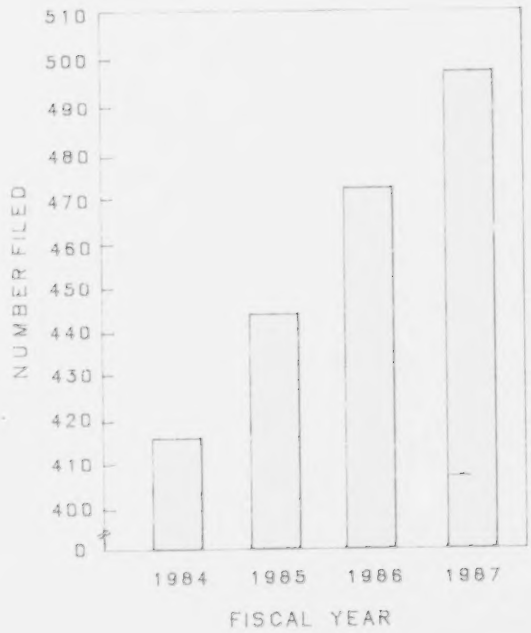


Table 4

SUPREME COURT
JUDGES, CLERK AND STATE COURTS ADMINISTRATOR
FY 1987

Supreme Court Judges
Andrew J. Higgins, Chief Justice
William H. Billings
Charles B. Blackmar
Robert T. Donnelly
Warren D. Welliver
Edward D. Robertson, Jr.
Albert L. Rendlen

Supreme Court Clerk
Thomas F. Simon

State Courts Administrator
Jane A. Hess

the lower courts. These include writs of prohibition, mandamus, and habeas corpus. In addition to its decision-making powers, the Court promulgates rules of practice and procedure for all Missouri courts, prescribes the form and content of instructions to the jury, licenses all lawyers practicing in Missouri, and disciplines lawyers for violations of the code of ethics.

ADMINISTRATIVE ACTIVITIES

The Constitution of the State of Missouri specifies that the Chief Justice of the Supreme Court "shall be the chief administrative officer of the judicial system and, subject to the supervisory authority of the supreme court, shall supervise the administration of the courts of this state." This responsibility is shared with the other Supreme Court judges and administered in three specific ways: through the establishment of various judicial committees, through the promulgation of court rules, and through direction to the State Courts Administrator and the Clerk of the Court. Through these activities, the Court deals with the changes necessary to keep the Missouri judiciary contemporary.

The committees and commissions of the judiciary play a vital role in the effective operation of Missouri's courts. The **Judicial Education Committee** sponsors sessions that provide continuing education. Courses this year covered such varied topics as criminal and civil jury instructions, legislative updates, evidence, sentencing, civil and criminal law developments and children's issues. Two colleges were presented, with 100 judges attending the August college and 75 judges attending in November. Thirty-four new judges attended the Judicial Orientation Seminar in January, and 250 judges attended the regional seminars on the new criminal jury instructions.

The **Judicial Education Committee Subcommittee on Training and Certification of Municipal Judges** reviews, recommends and administers the certification course for non-lawyer municipal judges and develops and recommends continuing education programs. It conducted training for municipal judges in October, November and December at four locations; the courses concentrated on court procedures, record keeping and trial procedures.

Missouri law requires that each municipal judge who is not licensed to practice law shall satisfactorily complete, within six months of his selection, the course of instruction for municipal judges prescribed by the Supreme Court. Two certification courses were held in FY 1987, with twelve persons attending. Eleven non-lawyer municipal judges were certified.

The Municipal Judges Deskbook Committee has completed the first drafts of the majority of the chapters planned for the deskbook.

The **Presiding Judges' Executive Committee** sponsored two meetings for presiding judges that focused on case delay reduction, videotaped testimony, and automation.

The **Committee on Jury Instructions-Criminal** promulgated a total revision of these instructions and worked with the Judicial Education Committee and the Missouri Bar on the presentation of regional seminars to apprise judges and lawyers of the changes.

The **State Judicial Records Committee** gave approval for distribution to the courts of the "Recommended Accounting Guidelines" and "Recommended Accounting Review Procedures for Appointing Authorities." The committee approved computerization projects for child support, probate, and traffic systems in twenty-five pilot courts.

The **Judicial Conference**, meeting in October, passed several resolutions supporting specific legislative initiatives and adopted a resolution to support a plan allowing voluntary retirement by judges at age 60. The Presiding Judges, meeting in conjunction with the Judicial Conference, submitted recommendations to the Supreme Court regarding Supreme Court Rules and sheriff's service of process.

The **Committee on Jury Instructions-Civil** recommended instructions on negligence, partial settlements, contributory fault, and converse instructions.

The **Judicial Finance Commission** continued to exercise its mandate to provide a forum for the resolution of budget disputes between counties and their respective Circuit Courts. During FY 1987, the Judicial Finance Commission received three budget dispute petitions, one from St. Louis County, one from Madison County, and one from Christian County, in addition to assisting several counties which contemplated filing petitions before this body.

The Madison County petition was accepted and subsequently settled via a settlement conference; the petitions from St. Louis and Christian counties remain pending as of June 30, 1987.

The **Circuit Court Budget Committee** oversees the Circuit Court Personnel System for 1,525 employees and allocates state personnel appropriations. In FY 1987, the committee:

-Provided general maintenance to Administrative Rule 7, the Missouri Circuit Court Personnel System, including revisions of the retirement policy to remove mandatory retirement provisions in compliance with federal law; revisions

to the holiday and annual leave policies; and revisions to job descriptions for several circuit court job classes;

-Reviewed and decided on numerous requests from the circuit courts for position reclassification and other personnel and budget actions;

-Authorized and monitored the review and position classification audit of 994 classified Circuit Court positions covering 943.3000 FTE in 17 circuits as part of an ongoing plan to maintain a current and equitable position classification system by visiting each circuit every third year;

-Reviewed and rendered decisions on 52 circuit court budget requests for additional staffing for the FY 1988 budget;

-Reviewed employee dismissal actions on appeals from circuit courts.

In addition to the Court's committees, three associations of judges and clerks worked to improve the quality and efficiency of Missouri's courts. The **Missouri Municipal and Associate Judges Association** hosted the 1987 Missouri Courts Conference in May. The agenda included judicial ethics, an annual update of the law, positive working relationships, trial procedures, and financial record keeping. The annual meeting of the **Association of Probate and Associate Circuit Judges**, in April, included programs on involuntary commitment, guardianships, probate, and civil and criminal law updates. The **Circuit Clerks and Recorders Association** annual meeting, held in September, included a legislative report, presentations on the services available from the Data Processing division of the State Courts Administrator's Office and from local government specialists in the extension service, a presentation on the child support time survey, committee appointments and the election of officers.

In recent years, the administrative and rule-making responsibilities of the Supreme Court and the Chief Justice have grown considerably. During the year the court promulgated one rule and several rule changes. In particular, there were changes to Rules 4, 5, 8, 12, 13, 27-30, 41, 51, 55, 71, 76, 84, 90, 91, 110, 111, 115, 118, 119, 121-124, 127, 128, and 140-155, and numerous revisions in the Missouri Approved Instructions (MAI) for civil and criminal cases.

In January, the Court joined more than twenty other states in mandating continuing legal education when it adopted Supreme Court Rule 15. Rule 15 requires that each Missouri lawyer complete at least 15 credit hours of accredited programs and activities each year. These hours must be reported to the nine member Commission on Continuing Legal Education, which is also responsible for supervising the administration of Rule 15, accrediting programs, activities and sponsors that satisfy the requirements of Rule 15, and ensuring the availability of accredited programs.

On March 12, 1987, the Missouri Supreme Court promulgated an amendment to Administrative Rule 4. This amendment, effective July 1, 1987,

establishes a mandatory uniform accounting system for circuit courts. Municipal courts are not included unless provided by circuit court rule. The amendment was promulgated to assist judges and clerks in complying with the statutory requirement to "...keep a perfect account of all monies coming into his hands...." RSMo 483.075.

The amendment requires that the uniform accounting system be maintained in accordance with the "Recommended Accounting Guidelines" and "Recommended Accounting Review Procedures for Appointing Authorities" promulgated by the Office of State Courts Administrator.

These guidelines describe minimum accounting procedures, records and reports for circuit, associate, and probate divisions, and apply to both manual and automated accounting systems. The review procedures are designed to assist appointing authorities in reviewing the accounting system for which they are responsible.

As chief administrative officer of the Supreme Court, the Chief Justice's responsibilities have evolved to encompass a multitude of duties and responsibilities. The Chief Justice serves as general liaison to the legislature, executive branch, and Missouri Bar, and is the contact person for those citizens and organizations seeking information or a speaker. He chairs the Judicial Conference and is a member of that organization's executive committee. He also serves as Missouri's representative at the Conference of Chief Justices and is on the Appellate Judicial Commission.

The executive duties of the Chief Justice include responding to administrative questions that arise within the Supreme Court as well as other state courts; and attending to personnel matters, internal budget considerations and the Court's physical plant. He is responsible, along with other members of the Court, for final approval of the budget for the judiciary. The Chief Justice is selected by the court en banc and, traditionally, serves for a term of two years.

The Honorable Andrew Jackson Higgins completed his two-year term as Chief Justice on June 30, 1987. He was succeeded by the Honorable William H. Billings. Judge Billings has served on the Supreme Court since 1982.

Table 5

COMMITTEES, BOARDS AND COMMISSIONS OF THE SUPREME COURT AS OF JUNE 30, 1987

Advisory Committee of the Bar Association (Missouri Bar)
Mr. Harold W. Barrick, Chairman
Mr. Robert L. Hawkins, Jr.
Mr. David H. Moran
Mr. James B. Nutter
Mr. Edward L. Pendleton
Mr. Jack Ross
Mr. Stuart N. Senniger
Mr. Thomas A. Sweeny
Mr. William O. Welman
Staff Counsel: John M. Scully

Appellate Judicial Commission
Chief Justice Andrew Jackson Higgins, Chairman
Mr. Max Foust
Mrs. Margaret Goode
Mr. Earl E. "Skip" Kopp
Mr. James E. Hullverson
Mr. James D. Osborn
Mr. Thomas G. Strong

Board of Certified Court Reporter Examiners
Judge John J. Kelly, Jr., Chairman
Mr. Jerry W. Davis
Mr. Jerry Sharp
Judge R. Kenneth Elliott
Judge Gene Hamilton
Ms. Margie A. Harrison
Judge John E. Parrish
Ms. Mary Wheritt, Consultant

Circuit Court Budget Committee
Judge Frank Conley, Chairman
Judge John L. Anderson
Judge Larry J. Casey
Judge Frank D. Connett, Jr.
Judge Mary Dickerson
Judge Bernhardt C. Drumm, Jr.
Judge Gary A. Fenner
Judge George Henry
Judge Julian M. Levitt
Judge Bruce Normile
Judge Daniel O'Toole
Judge Brendan Ryan
Judge Dorman L. Steelman
Ms. Jane A. Hess, Secretary

Commission on Retirement, Removal and Discipline of Judges
Mr. Godfrey P. Padberg, Chairman
Judge L. Thomas Elliston
Mr. Gary Abram
Mr. Morris E. Blitz
Judge Robert G. Dowd
Mr. Jack W. R. Headley
Alternates:
Judge Douglas W. Greene
Judge James L. Sanders
Adm. & Counsel: James M. Smith

Executive Council of the Judicial Conference
Chief Justice Andrew Jackson Higgins, President
Judge William H. Billings, Vice-President
Judge Charles B. Blackmar
Judge John L. Anderson
Judge Kenton G. Askren
Judge Donald E. Bonacker
Judge Frank D. Connett, Jr.
Judge William M. Corrigan
Judge H. Michael Coburn
Judge James Clifford Crouch
Judge John C. Crow
Judge Gary A. Fenner
Judge Joseph A. Goeke, III
Judge Donald L. Mason
Judge Thomas K. McGuire, Jr.
Judge J. P. Morgan
Judge John E. Parrish
Judge Roy L. Richter
Judge Harold L. Satz
Judge Mary W. Sheffield
Judge William E. Turnage
Judge Stephen K. Willcox
Mr. Thomas F. Simon, Secretary

Judicial Education Committee
Judge Richard J. Mehan, Chairman
Judge Kenton G. Askren
Judge Ninian M. Edwards
Chief Justice Andrew Jackson Higgins
Judge Floyd McBride
Judge Joyce M. Otten
Judge James K. Prewitt
Judge John M. Yeaman

Judicial Finance Commission
Judge Robert G. Dowd, Chairman
Mr. H. C. Compton, Commissioner
Mr. Gene Huckstep, Commissioner
Judge Byron L. Kinder
Judge Floyd McBride
Mr. Eldon Hixson, Commissioner
Judge John M. Yeaman

Presiding Judges' Executive Committee
Judge William H. Pinnell, Chairman
Judge Donald Barnes
Judge H. Michael Coburn
Judge Bernhardt C. Drumm, Jr.
Judge Gary A. Fenner
Judge Carl D. Gum, Jr.
Judge John E. Parrish
Judge Eugene E. Reeves
Judge Brendan Ryan
Judge E. Richard Webber

Table 5 (Continued)

COMMITTEES, BOARDS AND COMMISSIONS OF THE SUPREME COURT AS OF JUNE 30, 1987

Special Juvenile Court Rules Committee
Chief Justice Andrew Jackson Higgins, Chairman
Judge R. Kenneth Elliott
Judge L. Thomas Elliston
Judge Jack E. Gant
Judge Almon H. Maus
Judge John E. Parrish
Judge Melvyn W. Wiesman
Mr. William Thompson, Reporter

State Board of Law Examiners
Mr. David P. Macoubrie, President
Mr. Richard K. Andrews
Ms. Gerre S. Langton
Ms. Lori J. Levine
Mr. John L. Oliver

State Judicial Records Committee
Judge John E. Parrish, Chairman
Judge Kenton G. Askren
Judge Lewis M. Blanton
Judge Don E. Burrell
Judge Frank Conley
Judge John C. Crow
Judge Carl R. Gaertner
Judge Forest W. Hanna
Judge Harold Lowenstein
Judge Glennon E. McFarland
Judge Daniel O'Toole
Judge Robert O. Snyder

Subcommittee on Training and Certification of Municipal Judges
Judge Channing D. Blaeuer, Chairman
Judge Joseph A. Cambiano
Judge K. Stanley Clay
Judge Earl Drennen
Judge Robert J. Eisenhauer
Judge Keith M. Sutherland
Judge J. Lloyd Wion

Supreme Court Committee on Jury Instructions and Charges--Criminal
Judge Stanley A. Grimm, Chairman
Mr. Richard G. Callahan
Judge Frank D. Connett, Jr.
Professor Edward H. Hunvald, Jr.
Mr. Alan G. Kimbrell
Judge Almon H. Maus
Mr. John M. Morris
Judge Timothy D. O'Leary
Mr. James R. Wyrsch

Supreme Court Committee on Jury Instructions--Civil
Mr. Elwood Thomas, Chairman
Mr. Paul S. Brown
Mr. John David Collins
Mr. W. James Foland
Mr. Max W. Foust
Mr. John C. Milholland
Judge Eugene E. Reeves
Mr. Donald L. Schlapprizzi
Mr. Stephen Ringkamp, Reporter

Task Force on Permanency Planning for Abused and Neglected Children
Chief Justice Andrew Jackson Higgins, Chairman
Dr. Nanci Anton Bobrow, Ph. D.
Ms. Cecelia M. Dooley
Judge Jack E. Gant
Mr. Kenneth M. Hensiek
Judge Floyd McBride
Judge John E. Parrish
Dr. Michael V. Reagan, Ph. D.
Mr. David Sirinek
Ms. Kaye H. Steinmetz
Judge John M. Yeaman

THE COURT OF APPEALS

The Court of Appeals continued to experience a heavy workload throughout FY 1987. There were 3,055 appeals and writs filed in the three districts of the Court of Appeals in FY 1987 and 3,259 appeals and writs disposed, for a disposition to filing ratio of 1.07.

APPEALS AND WRITS FILED

In FY 1987 2,596 appeals were filed, including 1,870 civil appeals and 726 criminal appeals. This was a slight decrease from the 1,887 civil appeals and 751 criminal appeals filed in FY 1986.

The number of writs filed, 459, was 50 writs fewer than the 509 writs filed in FY 1986. Writs filed included 69 writs of habeas corpus, 131 writs of mandamus, 257 writs of prohibition and two other writs.

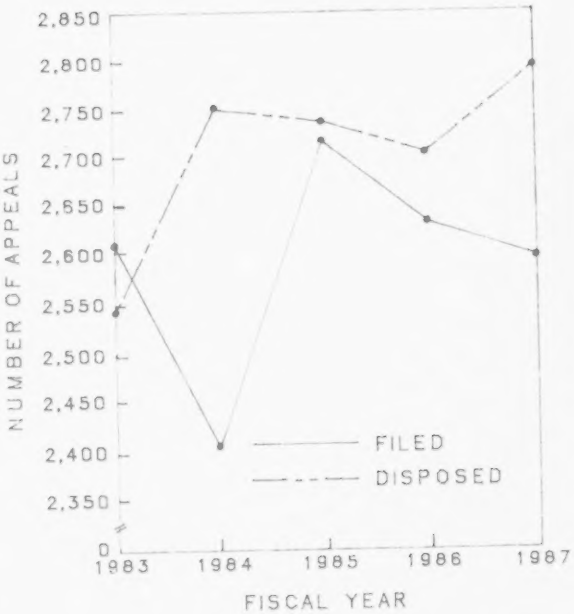
APPEALS AND WRITS DISPOSED

A total of 3,259 appeals and writs were disposed, the highest ever recorded. The court disposed 2,796 appeals, more than in any previous year and an increase of 91 appeal dispositions over the number disposed in FY 1986. Although the number of writs disposed, 463, declined somewhat from the record high of 501 writs disposed last year, it was the second highest number of writs ever disposed.

Criminal appeals disposed increased from 809 appeals disposed in FY 1986, to 834 appeals disposed in FY 1987. This was the highest number of criminal appeals ever disposed and represents a 36 percent increase in criminal appeals disposed since FY 1980.

Figure 4

COURT OF APPEALS
APPEALS FILED AND DISPOSED
FY 1983 THROUGH FY 1987



There were 1,962 civil appeals disposed. This was an increase of 66 civil appeals

Figure 5

COURT OF APPEALS
APPEALS DISPOSED BY MANNER OF DISPOSITION

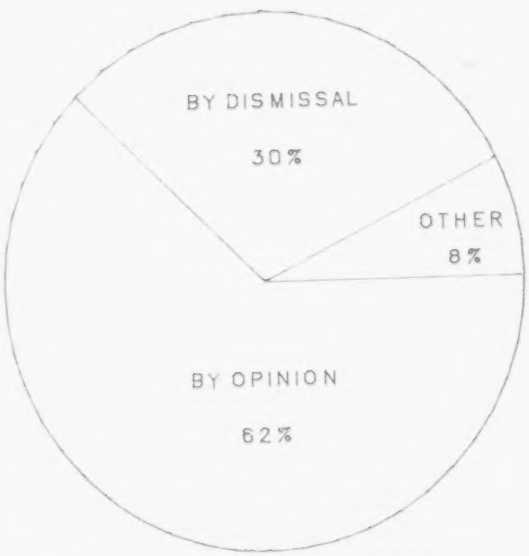


Table 6

COURT OF APPEALS JUDGES* AND CLERKS FY 1987

Eastern District Judges	Western District Judges	Southern District Judges
Robert O. Snyder, Chief Judge	Donald B. Clark, Chief Judge	John C. Crow, Chief Judge
William H. Crandall, Jr.	Robert W. Berrey III	George M. Flanigan
Robert E. Crist	David J. Dixon	Douglas W. Greene
Robert G. Dowd	Fernando J. Gaitan, Jr.	John C. Holstein
Carl R. Gaertner	Don W. Kennedy	Robert E. Hogan
Gary M. Gaertner	Harold L. Lowenstein	Almon H. Maus
Kent Karohl	Donald Manford	James K. Prewitt
Anthony P. Nugent, Jr.	Anthony P. Nugent, Jr.	
John J. Kelly, Jr.	Jack P. Pritchard	
James Pudlowski	Charles Shangler	
James R. Reinhard	William E. Turnage	
Harold L. Satz		
Paul J. Simon		
Gerald Smith		
Albert Stephan, Jr.		
Clerk of the Court	**Clerk of the Court**	**Clerk of the Court**
Deirdre O'Meara Ahr	Peggy Stevens McGraw	William C. Cockrill

*As of June 30, 1987

above the number of civil appeals disposed in FY 1986, and was the third highest number of civil appeals ever disposed.

APPEALS DISPOSED BY OPINION

Although the percent of appeals disposed by opinion remained constant, 61 percent, the actual number of appeals disposed by opinion, 1,720, was a record high, and 4 percent more than the 1,650 appeals disposed by opinion in FY 1986. Fifty-five (55) percent, 1,087, of the civil appeals and 76 percent, 633, of the criminal appeals were disposed by opinion.

OPINIONS HANDED DOWN

The total number of opinions handed down, 1,969, included 1,923 appeals and 46 writs. This was 12 percent more than the 1,755 opinions handed down in FY 1986. The Western District handed down 643 opinions, an increase of 11 percent above the 581 in FY 1986. The Eastern District had 944 opinions handed down, an increase of 6 percent above the 890 the previous year. The Southern District had a 35 percent increase in opinions handed down, up from 284 opinions in FY 1986, to 382 opinions in FY 1987.

DISPOSITION TO FILING RATIO

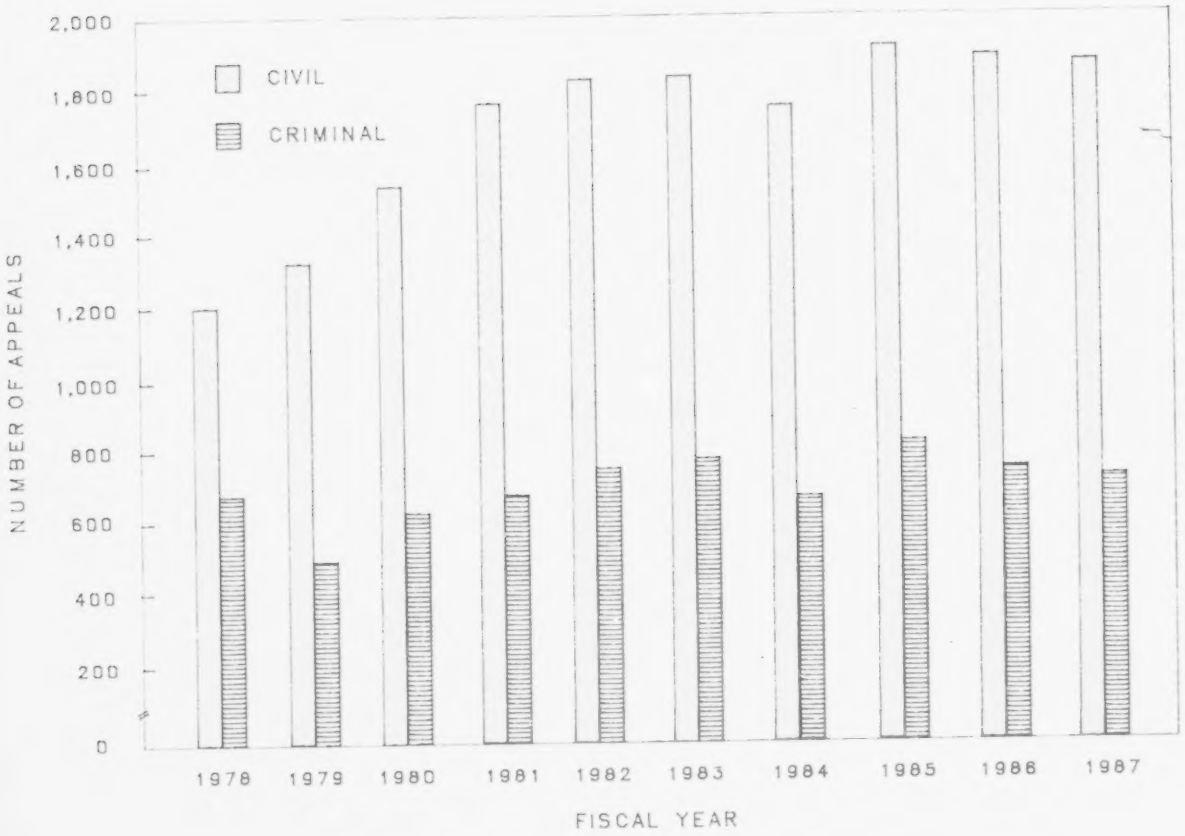
The court achieved a disposition to filing ratio of 1.08 for appeals. This was the fourth year in a row the ratio has been greater than 1.00.

The disposition to filing ratio for writs was 1.01, the second highest ratio in the past 10 years, and the second time in 10 years that the ratio has been greater than 1.00.

The combined appeals and writs disposition to filing ratio was 1.07, the highest in the last three years and the second highest ratio ever.

Figure 6

COURT OF APPEALS
CIVIL AND CRIMINAL APPEALS FILED
FY 1978 THROUGH FY 1987



PENDING CASELOADS

The number of appeals and writs pending decreased in FY 1987. The Court began this fiscal year with 2,345 cases pending, including 1,510 civil appeals, 807 criminal appeals and 28 writs. On June 30, 1987, there were 2,141 cases pending. These cases included 1,418 civil appeals, 699 criminal appeals and 24 writs. The total number of appeals pending at the end of FY 1987, 2,117, constituted a 9 percent decrease from the 2,317 appeals pending at the beginning of the fiscal year. The number of writs pending decreased from 28 at the beginning of FY 1987 to 24 at the end of the year.

DISPOSITIONS PER JUDGE

While appeals and writs are disposed by divisions of the court, per-judge rates of disposition are included for the purpose of providing a comparison with those years when there were fewer judges. In FY 1987, the per-judge disposition of writs and appeals was 101.8, the highest average in ten years. An average of 87.4 appeals and 14.5 writs were disposed per judge.

STRUCTURE AND JURISDICTION

Missouri's appellate structure of one court divided into three districts was established in 1970 by constitu-

tional amendment. Each district of the Court of Appeals may sit in divisions determined by the judges of that district; each division is composed of at least three judges. The orders, judgments and decrees of a majority of the judges of any division, have the force and effect of those of the full court. The Court of Appeals may issue original remedial writs and has general appellate jurisdiction in all cases not within the exclusive jurisdiction of the Supreme Court.

Appellate judges are nominated by the nonpartisan Appellate Judicial Commission and appointed by the governor. If approved by the voters at the first general election after their first 12 months in office, they serve 12-year terms. The judges in each district elect a chief judge to serve for a term fixed by the district.

WORKLOAD MANAGEMENT

The Court employs several procedures developed to expedite the hearing process for its large number of cases. These include the use of settlement conferences wherein the parties in all civil cases are required to attend a pre-submission conference conducted by a judge of the court. In cases where the parties reach a settlement, the appeal can oftentimes be disposed before a transcript and briefs are filed, thereby eliminating those extra costs.

The Court frequently conducts these pre-submission conferences and hears cases in

Table 7

COURT OF APPEALS
APPEALS AND WRITS FILED AND DISPOSED
FY 1983 THROUGH FY 1987

FISCAL YEAR	APPEALS		WRITS	
	FILED	DISPOSED	FILED	DISPOSED
1983	2606	2544	456	438
1984	2415	2752	437	407
1985	2721	2747	445	430
1986	2638	2705	509	501
1987	2596	2796	459	463

Table 8

COURT OF APPEALS
APPEALS DISPOSED BY TYPE AND MANNER
FY 1987

DISPOSITION MANNER	CRIMINAL (%)	CIVIL (%)	TOTAL (%)
By Opinion	633 (76%)	1087 (55%)	1720 (62%)
By Dismissal	137 (16%)	709 (36%)	846 (30%)
By Transfer	26 (3%)	80 (4%)	106 (4%)
By Consolidation	15 (2%)	47 (2%)	62 (2%)
By Other	23 (3%)	39 (2%)	62 (2%)
	834 (100%)	1962 (100%)	2796 (100%)

locations other than where the main seat of the court is located:

-The Western District, located in Kansas City, began, in September of 1985, to hear arguments in Jefferson City on appeals originating in mid-Missouri counties;

-The Eastern District Court sits in Cape Girardeau and Hannibal to hear appeals from those areas, in addition to its regularly scheduled sessions in St. Louis;

-Because the Southern District seat, by statute, is divided into two areas, sessions are held in both Springfield and Poplar Bluff.

In addition, the Court of Appeals has increased its ability to handle an ever-increasing workload by using the services of senior and special judges as assigned by the Supreme Court.

In all districts, various methods are employed to monitor case flow and to identify problems in the appellate judicial process.

One new judge was appointed to the bench in the Court of Appeals. John C. Holstein was appointed to the Southern District bench to replace Judge Rex B. Titus, who died on January 30, 1987.

THE CIRCUIT COURT

As the court with original jurisdiction over all civil and criminal cases, the Circuit Court has the heaviest caseload in Missouri's judicial system. In FY 86-87, approximately 850,000 cases were filed in the Circuit Court system, and more than 812,000 cases were disposed. Both filings and dispositions increased 6 percent over the previous year.

A total of thirty-five new judges were elected or appointed to the circuit bench in FY 1987. To fill vacancies caused by death, retirement, or resignations, 11 new judges were appointed in FY 1987 to the Circuit Courts. Twenty-four new judges were elected to the courts in the November general elections.

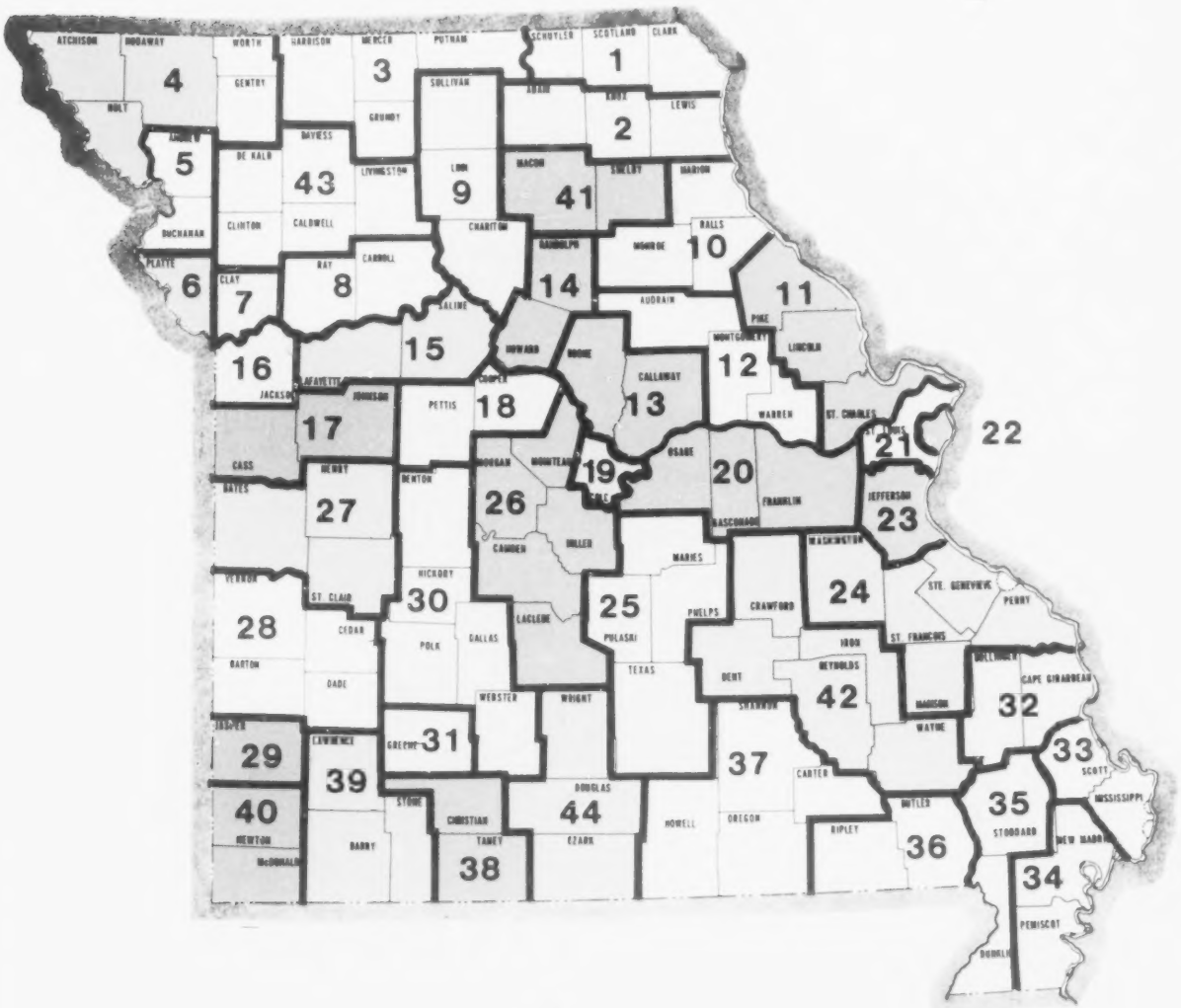
On January 1, 1987, in response to statutory changes, the associate division began hearing civil cases where the sum involved does not exceed $15,000; previously, the amount involved could not exceed $5,000.

CIRCUIT DIVISIONS

Record numbers of civil, criminal, and municipal cases were filed, pushing total case filings above 121,000 for the first time. This year's total of 121,051 exceeds last year's total by approximately 1,400 cases. At the same time, just under 115,000 cases were disposed, the largest number ever, and the courts achieved a disposition to filing ratio of 0.95, the highest in three years. The pending caseload grew 5 percent (6,073 cases) during the year, reaching a total of 116,768 cases by year's end.

Figure 7

CIRCUIT DIVISIONS
PERCENTAGE INCREASE IN FILINGS
BY CIRCUIT
FY 1982 — FY 1987



None / Decrease

1 — 10%

11 — 20%

More than 20%

CIVIL CASES FILED

The number of circuit civil and domestic relations cases filed reached record levels for the third consecutive year. Included in this year's total of 95,607 civil cases filed are 58,533 domestic relations cases and 37,074 other civil cases. More domestic relations cases were filed this year than ever before, surpassing the number filed in FY 1986 by 236 cases. The number of civil, excluding domestic relations, cases was comparable to the record 37,162 cases filed last year. Within the past five years, total filings have increased 11 percent (nearly 9,700 cases) with civil, excluding domestic relations, experiencing a growth of 20 percent (6,055 cases) and domestic relations increasing by 7 percent (3,614 cases).

CIVIL CASES DISPOSED

Case dispositions were at an all-time high, totaling 91,017 for the combined civil and domestic relations categories. Sixty (60) percent of these dispositions were by trial; 879 involved a jury trial and 52,877 were disposed by non-jury trial. The number of civil cases disposed, excluding domestic relations cases, increased almost 1,000 cases from FY 1986 to FY 1987, to reach a record 36,330 case dispositions. There were

Figure 8

CIRCUIT DIVISIONS
CIVIL AND DOMESTIC RELATIONS CASES
FILED AND DISPOSED
FY 1983 THROUGH FY 1987

54,687 domestic relations cases disposed, an increase of more than 200 dispositions over the previous fiscal year.

The circuit courts achieved a disposition to filing ratio of 0.95 for combined civil and domestic relations cases, up from 0.94 last year and 0.92 in FY 1985. The ratio for other civil cases alone was 0.98, the highest in four years. The ratio for the domestic relations cases was 0.93.

PENDING CIVIL CASELOADS

Statewide, the pending caseload increased by 4,590 civil cases (5 percent) to 101,164. This is the smallest growth in three years. For civil, excluding domestic relations cases, the number of pending cases grew from 55,572 to 56,316, an increase of 744 cases or 1 percent, the smallest growth in four years. The increase in the domestic relations category was 3,846 cases (9 percent), growing from 41,002 cases pending on July 1, 1986, to 44,848 cases pending by year's end.

Although there was an increase in total pending caseloads statewide, a number of counties disposed at least as many cases in FY 1987 as were filed, achieving disposition to filing ratios of 1.00 or greater. This year, 45 counties reduced or held constant their total civil and domestic relations pending caseloads; 56 counties reduced or experienced no growth in the number of pending civil, excluding domestic relations cases; and 37 counties disposed at least as many domestic relations cases as were filed.

CRIMINAL CASES FILED AND DISPOSED

A record number of criminal cases were filed and disposed in the circuit courts. The total number filed was 22,062, which includes 18,206 felony cases and 3,856 misdemeanor cases. The felony caseload is up 4 percent (705 cases) compared to last year and 15 percent (2,308 cases) compared to FY 1985.

The number of misdemeanor cases filed in the circuit courts has increased annually since FY 1984. The rate of increase was 3 percent (103 cases) from FY 1984 to FY 1985, 8 percent (248 cases) from FY 1985 to FY 1986 and 14 percent (488 cases) within the past two fiscal years.

For the first time, the number of criminal cases disposed surpassed the 20,000 mark. This year's total of 20,677 case dispositions is 2,004 (11 percent) higher than the number disposed in FY 1986. The 17,491 felony and 3,186 misdemeanor cases disposed are the highest recorded for both case types.

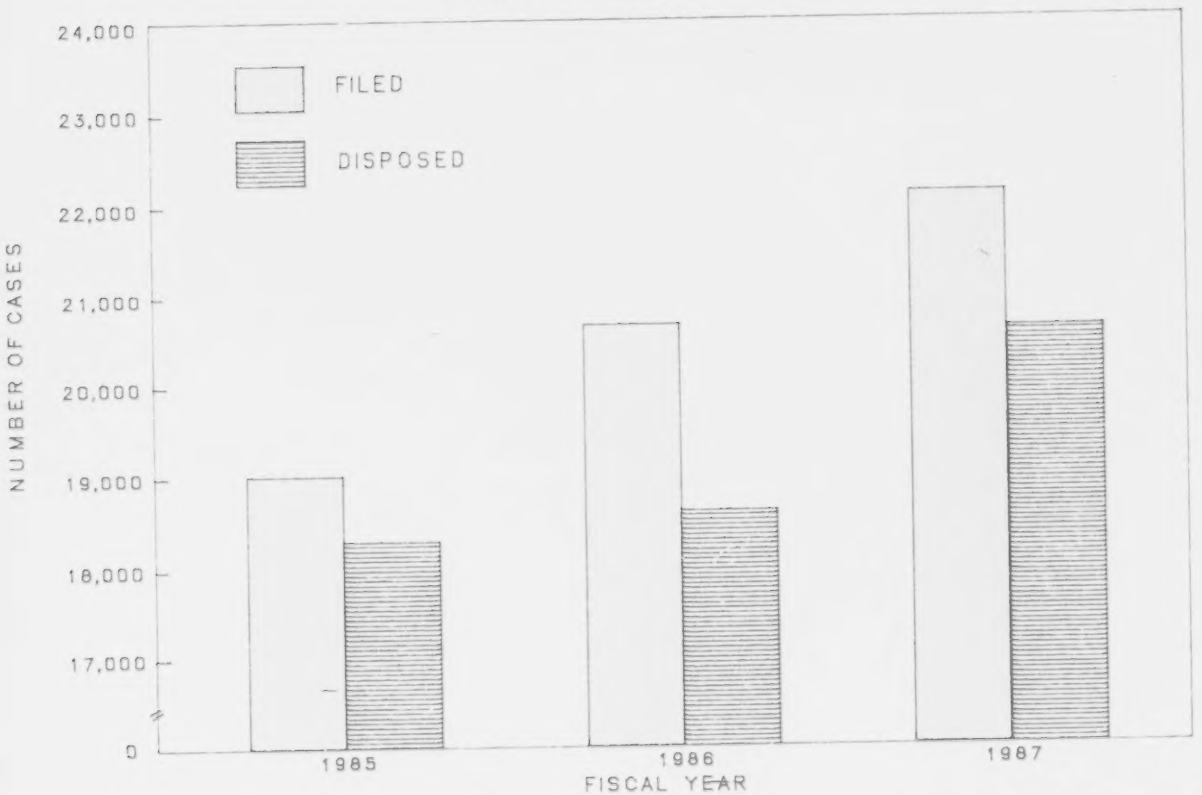
The courts achieved a disposition to filing ratio of 0.94 for their criminal caseloads, up significantly from the 0.89 ratio of the previous fiscal year. The ratio for felony cases was 0.96, substantially higher than the ratio of 0.91 for FY 1986. A disposition to filing ratio of 0.83 was calculated for misdemeanors. This is comparable to the misdemeanor ratios for the two previous years.

CRIMINAL CASES DISPOSED BY MANNER OF DISPOSITION

Three thousand five hundred

Figure 9

CIRCUIT DIVISIONS
CRIMINAL CASES FILED AND DISPOSED
FY 1985 THROUGH FY 1987



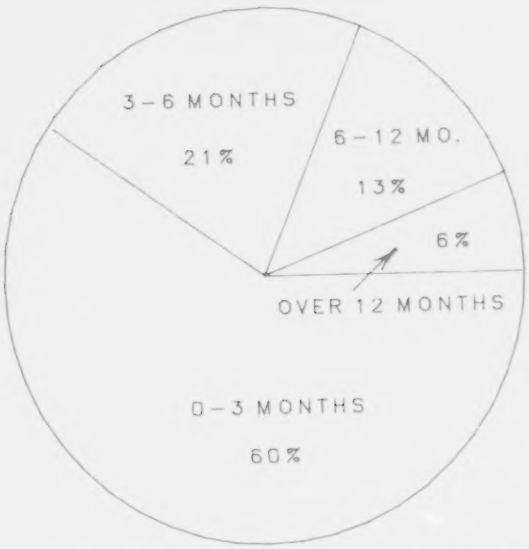
sixty-four (3,564) criminal cases, or 17 percent of the total disposed, were disposed by trial in FY 1987. Of these, 883 were disposed by jury trial and 2,681 were disposed by non-jury trial. While the number of cases disposed by trial remained constant from FY 1986 to FY 1987, the proportion of the criminal caseload disposed by trial continued to decline. In FY 1985, 23 percent of the criminal cases were disposed by trial; in FY 1986, this figure was 20 percent.

Proportions of cases disposed by jury and non-jury trial have both fallen. Six (6) percent of the criminal cases were disposed by jury trial in FY 1985, compared to 5 percent in FY 1986 and 4 percent in FY 1987. Non-jury trials accounted for 17 percent of the criminal case dispositions in FY 1985, 15 percent in FY 1986 and 13 percent in FY 1987. These decreases have been offset by increases in the percentage of cases disposed by guilty plea, up from 55 percent in FY 1985 to 58 percent and 62 percent in FY 1986 and FY 1987, respectively.

While the dispositional pattern for felonies generally corresponds to that for the criminal caseload as a whole, there are differences in the pattern for misdemeanors. Notable are the larger percentages disposed by non-jury trial and dismissal and the smaller percentage disposed by guilty plea. Twenty-eight (28) percent of the misdemeanors were disposed by non-jury

Figure 10

CIRCUIT DIVISIONS
AGE OF FELONY CASES AT DISPOSITION
FY 1987



trial in FY 1987, compared to 10 percent of the felonies. While 4 percent of the felony cases were dismissed, 20 percent of misdemeanors were disposed in this manner. Dispositions by guilty plea accounted for 67 percent of felonies and 34 percent of the misdemeanors disposed.

AGE OF FELONY CASES DISPOSED

Based on information reported by 111 Missouri counties, 60 percent of all felony cases disposed in FY 1987 were disposed within three months of being filed in the circuit court. Eighty-one (81) percent were disposed within six months and 94 percent were disposed within one year. Of the felony cases disposed by trial, 53 percent were disposed within three months; 79 percent were disposed within six months and 95 percent were disposed within one year.

PENDING CRIMINAL CASELOADS

The pending criminal caseload increased by 11 percent (1,385 cases) to total 13,770 cases by year's end. Of this total, 9,879 cases were felonies and 3,891 cases were misdemeanors. The pending felony caseload grew by 8 percent (715 cases) during the year, while the increase for misdemeanors was 21 percent (670 cases).

Despite the statewide increase in pending caseloads, several counties disposed at least as many criminal cases as were filed, thereby holding constant or reducing their pending balances. This was achieved by 38 counties for their criminal caseloads in general; by 37 counties for felony cases and by 33 counties for misdemeanor cases.

MUNICIPAL CERTIFICATIONS/ TRIALS DE NOVO

A total of 3,382 municipal certifications and trials de novo were filed in FY 1987, a slight increase compared to the previous fiscal year. Case filings during the past

Figure 11

CIRCUIT DIVISIONS
AGE OF MISDEMEANOR CASES
AT DISPOSITION
FY 1987

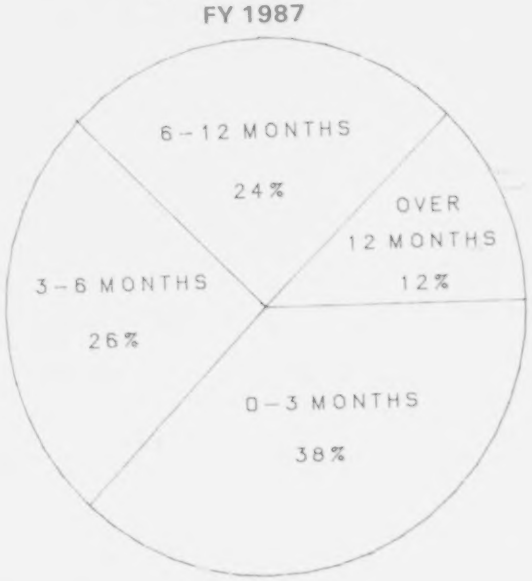


Table 9

CIRCUIT DIVISIONS
CRIMINAL CASES DISPOSED
BY MANNER OF DISPOSITION
FY 1987

MANNER OF DISPOSITION	FELONY (%)	MISDEMEANOR (%)	TOTAL (%)
By Jury	783 (4%)	100 (3%)	883 (4%)
By Non-Jury	1,783 (10%)	898 (28%)	2,681 (13%)
Plea	11,772 (67%)	1,073 (34%)	12,845 (62%)
Nolle Pros/Dism	2,288 (13%)	1,004 (32%)	3,292 (16%)
Other	865 (5%)	111 (3%)	976 (5%)
TOTAL	17,491 (100%)	3,186 (100%)	20,677 (100%)

five years have remained fairly stable, ranging from a low of 3,361, to a high of just under 3,500.

The courts disposed 3,284 municipal certifications and trials de novo, achieving a disposition to filing ratio of 0.97. Five hundred thirty-four (534) of these cases, 16 percent of the total, were disposed by trial, including 34 jury trials and 500 non-jury trials.

The courts ended the year with 1,834 municipal cases pending, an increase of 6 percent (98 cases) since the year began.

ASSOCIATE CIRCUIT DIVISIONS

The total numbers of cases filed and disposed in associate divisions of the Circuit Court were at record highs, continuing the upward trend of the past five years.

A total of 697,303 cases were filed. This was the highest number of cases ever filed and represents a 7 percent increase over the 651,351 cases filed in FY 1986.

The associate circuit divisions disposed 664,732 cases in FY 1987. This was the first time that the number of cases disposed exceeded 650,000 and was a 7 percent increase in case dispositions when compared to the number disposed in FY 1986.

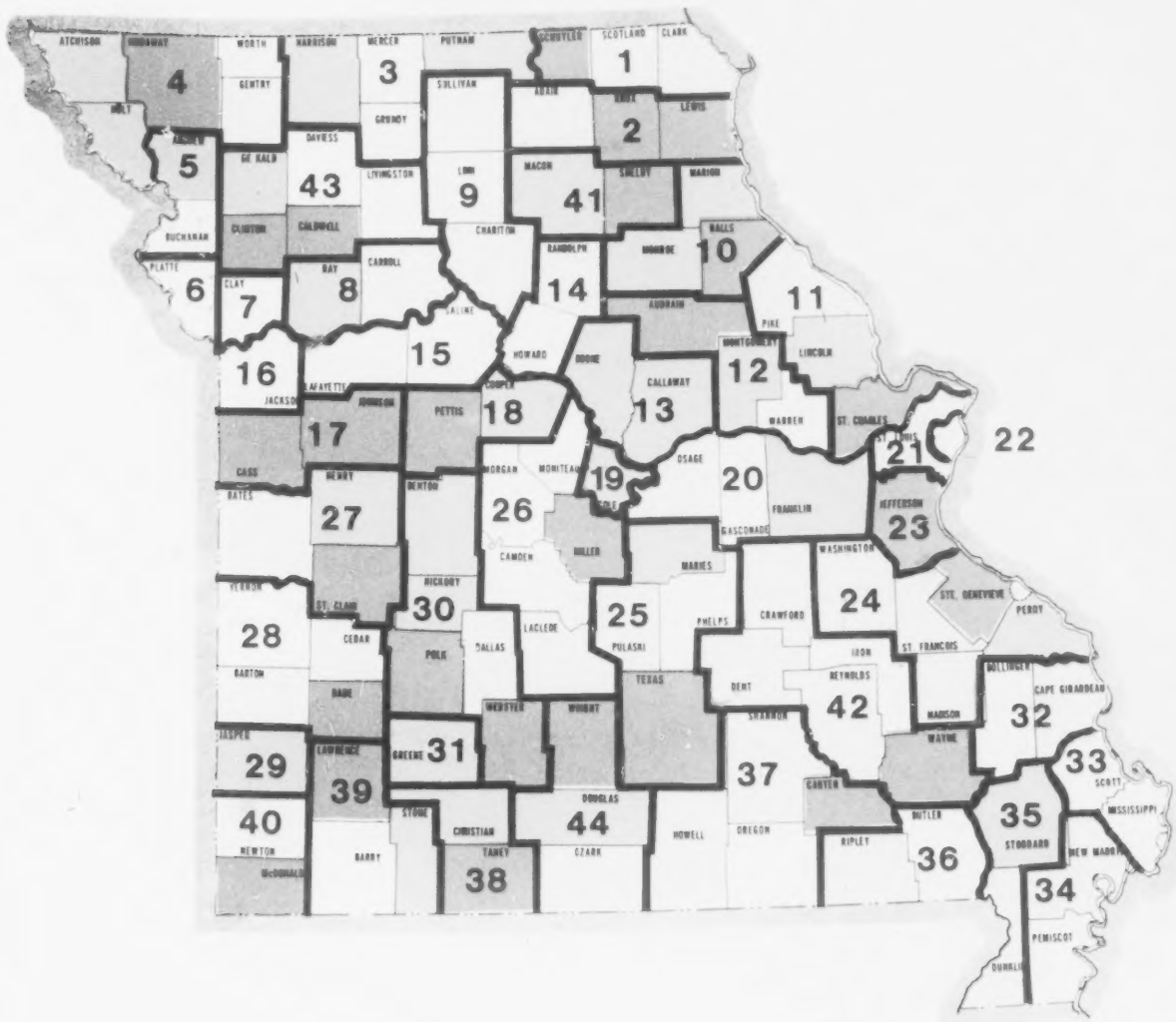
Although caseloads increased significantly, the courts achieved an overall disposition to filing ratio of 0.95, comparable to the 0.96 disposition to filing ratio in FY 1986.

CIVIL, EXCLUDING SMALL CLAIMS, CASES

Effective January 1, 1987, the jurisdictional limit of associate circuit judges was increased from $5,000 to $15,000. In FY 1987 there were 111,687 civil cases filed that involved amounts up to $5,000. This was 4 percent higher than the 107,858 cases filed in FY 1986. In addition, during the second six months of FY 1987, there were 2,567 civil cases filed that involved amounts from $5,001 to $15,000. This brings the total filed for the year to 114,254, 6 percent more than the number of cases filed in FY 1986. It is expected that more cases involving amounts over $5,000 will be filed in coming years due to the change in jurisdiction.

Figure 12

ASSOCIATE CIRCUIT DIVISIONS PERCENTAGE INCREASE IN FILINGS BY COUNTY FY 1982 — FY 1987



None / Decrease

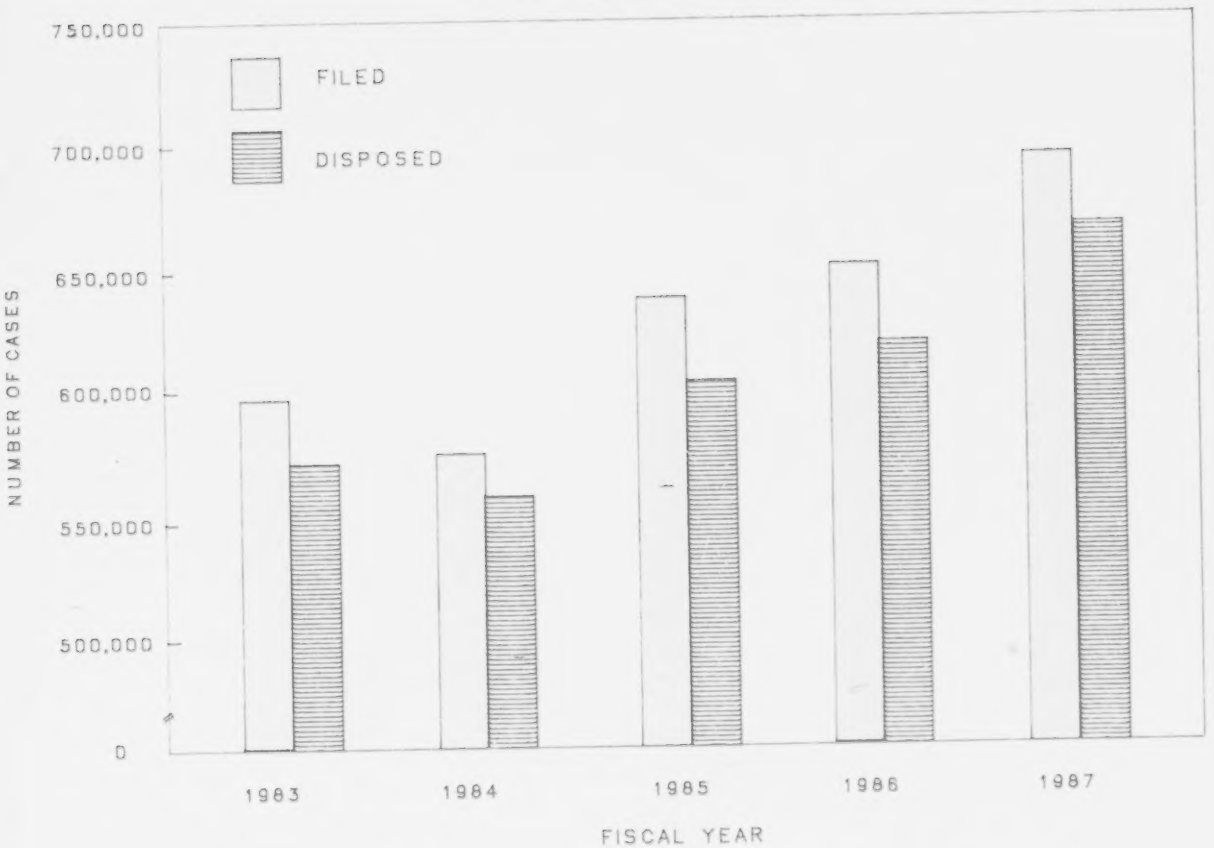
1 — 25%

26 — 50%

More than 50%

Figure 13

ASSOCIATE CIRCUIT DIVISIONS
CASES FILED AND DISPOSED
FY 1983 THROUGH FY 1987



Civil cases disposed were at the highest levels ever reported. The associate circuit divisions disposed 112,113 civil cases, including 111,326 cases involving amounts up to $5,000 and 787 cases involving amounts from $5,001 to $15,000. The combined number of dispositions was 7 percent higher than the 104,958 cases disposed in FY 1986.

Although both filings and dispositions were at record highs, the associate circuit divisions achieved a disposition to filing ratio of 0.98 for civil cases, up from the 0.97 ratio achieved the previous fiscal year.

SMALL CLAIMS CASES

Small claims cases are civil cases in which the amount of claim does not exceed $1,000. In small claims matters, parties are not required to have an attorney and formal rules of evidence and procedure do not apply. No jury trial is permitted.

In FY 1987 there were 20,982 small claims cases filed and 23,320 small claims cases disposed. Both filings and dispositions were at record highs. The number of cases filed was 1 percent higher (181 cases) than in

Table 10

ASSOCIATE CIRCUIT DIVISIONS
CASES FILED AND DISPOSED BY TYPE OF CASE
FY 1986 AND FY 1987

CASE TYPE	FILED			DISPOSED		
	1986	1987	CHANGE	1986	1987	CHANGE
Civil	107,858	114,254	5.9%	104,958	112,113	6.8%
Small Claims	20,801	20,982	0.9%	18,955	23,320	23.0%
Felony	27,586	30,811	11.7%	26,000	27,865	7.2%
Misdemeanor/Infraction	69,187	74,716	8.0%	63,679	68,973	8.3%
Traffic	384,500	409,694	6.6%	370,259	387,131	4.6%
Ordinance	41,419	46,846	13.1%	39,673	45,330	14.3%
TOTAL	651,351	697,303	7.1%	623,524	664,732	6.6%

FY 1986. The number of cases disposed represented a 23 percent increase (4,365 cases) when compared to the previous fiscal year.

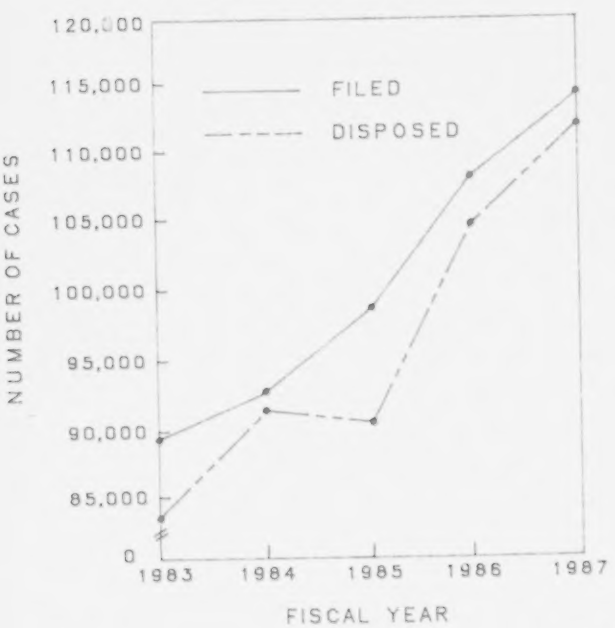
Since FY 1982 the number of small claims cases filed has increased 24 percent; the number of small claims cases disposed has increased 54 percent. Although there has been a steady increase in dispositions for the past five years, the 54 percent increase in dispositions since FY 1982 can be attributed, in large part, to the dramatic rise in the number of small claims cases disposed in FY 1987.

The number of small claims cases disposed by trial, 7,678, was the highest number ever disposed by trial and was 56 cases higher than the 7,622 cases disposed by trial in FY 1986.

Although the number of cases filed and disposed increased, and the number of cases disposed by trial increased, the associate circuit divisions achieved a disposition to filing ratio of 1.11 for small claims cases.

Figure 14

ASSOCIATE CIRCUIT DIVISIONS
CIVIL CASES FILED AND DISPOSED
FY 1983 THROUGH FY 1987



FELONY COMPLAINTS

More felony complaints were filed and disposed in FY 1987 than in any previous year. Felony complaints filed increased by 12 percent, from 27,586 complaints filed in FY 1986, to 30,811 complaints filed in FY 1987. The number of cases disposed increased 7 percent, from 26,000 cases disposed in FY 1986, to 27,865 cases disposed in FY 1987.

Compared to felony caseloads five years ago, felony complaint filings increased 13 percent, and the number of dispositions increased 10 percent.

Dispositions of felony complaints included 14,046 cases (50 percent) bound over to the circuit divisions; 4,575 cases (16 percent) disposed by a guilty plea to reduced charges; and 9,175 cases (33 percent) dismissed. Sixty-nine (69) felony complaints received a change of venue. An overall disposition to filing ratio of 0.90 was achieved, down from 0.94 for felony complaints in the previous year.

MISDEMEANOR CASES

The numbers of misdemeanor cases, filed and disposed, set records for the fifth consecutive year. There were 74,716 cases filed and 68,973 cases disposed. This represents an 8 percent increase in both filings and dispositions when compared to the numbers filed and disposed last year. The courts have experienced a 76 percent increase in filings and dispositions when compared to the numbers filed and disposed in FY 1982.

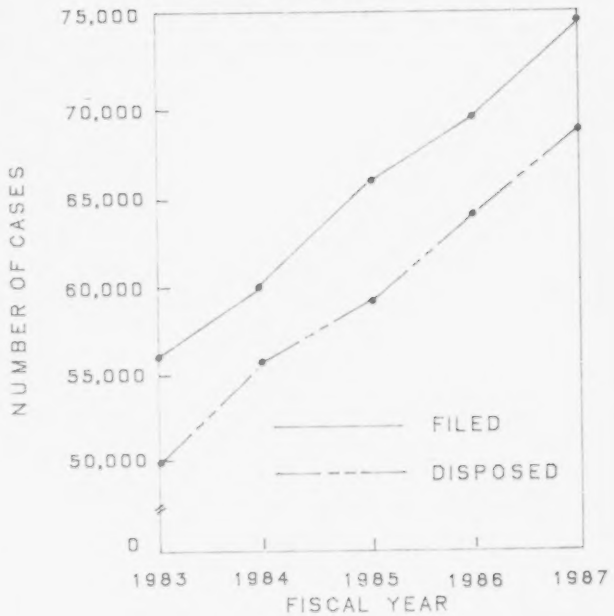
The disposition to filing ratio for misdemeanors remained constant at 0.92.

TRAFFIC CASES

For the first time, the number of state traffic cases filed exceeded the 400,000 mark. This year's total of 409,694 cases filed surpassed last year's total by more than 25,000 cases (7 percent). The associate divisions disposed a record 387,131 traffic cases for the year, an increase of almost 17,000 cases (5 percent) over the number disposed in FY 1986.

Figure 15

ASSOCIATE CIRCUIT DIVISIONS MISDEMEANOR CASES FILED AND DISPOSED FY 1983 THROUGH FY 1987



The disposition to filing ratio for traffic cases was 0.94, down from the 0.96 ratio achieved the previous fiscal year.

ORDINANCE CASES

The number of ordinance cases included in this publication represents only those cases filed directly in the associate divisions of the Circuit Court. Ordinance violations heard by associate judges in municipal courts and ordinance cases heard by local municipal judges are not reflected in the state figures provided here.

A record 46,846 ordinance cases were filed in the associate divisions in FY 1987, 5,427 (13 percent) more cases than in the previous fiscal year.

For the first time, the number of ordinance cases disposed was over 40,000. The 45,330 ordinance cases disposed represent an increase of 5,657 cases (14 percent) above the number disposed in FY 1986.

Since FY 1982 the number of ordinance cases filed has increased 72 percent and the number of cases disposed has increased 98 percent. The dramatic increase in dispositions is due in large part to significant increases in FY 1983, FY 1986 and FY 1987. Although both cases filed and disposed have increased significantly, the associate divisions achieved a disposition to filing ratio of 0.97 for ordinance cases this year, up from 0.96 in FY 1986.

PENDING CASELOADS

The associate division pending caseloads grew to 343,571 cases by the end of FY 1987. This was an increase of 10 percent compared to the pending beginning figure of 311,000. Although the number of small claims cases pending decreased 19 percent, from 12,422 cases pending at the beginning of the year, to 10,084 cases pending at the end of FY 1987, other pending caseloads increased. Civil pending caseloads, excluding small claims cases, increased by 3 percent, from 84,362 at the beginning of FY 1987 to 86,503 pending by the end of FY 1987. Felony pending cases increased 15 percent; misdemeanor pending cases increased 10 percent; traffic pending cases increased 19 percent; ordinance pending cases increased 8 percent.

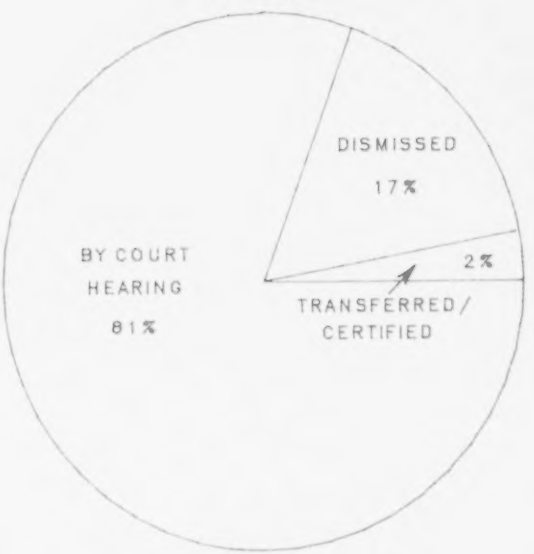
Although pending caseloads increased statewide, individual counties achieved a reduction in the number of cases they had pending. By the end of the fiscal year, 30 counties achieved a reduction in pending civil cases; 44 counties reduced their number of pending small claims cases; 34 counties reduced their number of pending felony preliminaries; 31 counties reduced their number of pending misdemeanors; 29 counties reduced their number of pending traffic cases; 23 counties reduced their number of pending ordinance cases. Twenty-four (24) counties reduced their total associate pending caseload.

JUVENILE DIVISIONS

The number of juvenile cases filed and disposed was at a three-year high for FY 1987. More than 19,900 cases were filed and 19,037

Figure 16

JUVENILE DIVISIONS
CASES DISPOSED BY MANNER OF DISPOSITION
FY 1987



TOTAL CASES DISPOSED
19,037

Figure 17

JUVENILE DIVISIONS
TEN-YEAR WORKLOAD SUMMARY
FY 1978 THROUGH FY 1987

cases were disposed. The number of cases filed was the second highest in seven years, surpassing the number filed last year by 776 cases (4 percent) and the number filed five years ago by 2,235 cases (13 percent).

Case dispositions increased by 285 cases (2 percent) when compared with FY 1986 and by 950 cases (5 percent) when compared with the number disposed five years ago.

The number of pending cases (petitions awaiting a determination of facts and entry of an order) grew to 9,961 cases by the end of the year, an increase of nearly 870 cases (10 percent) when compared to the pending figure for July 1, 1986.

The courts disposed 15,450 juvenile cases by hearing, the largest number disposed by hearing in four years. One hundred sixteen (116) juveniles were certified to adult court, up from 94 the previous year. Just over 300 cases were transferred to other jurisdictions and the remaining 3,168 (17 percent) were dismissed.

ALLEGATIONS

Since FY 1983, which was the first year this information on case types was reported, the distribution of allegations contained in juvenile petitions has remained constant. This year, as in the past, about 37

Figure 18

JUVENILE DIVISIONS
TYPE OF ALLEGATIONS
FY 1987

percent of the petitions alleged violations of state law or county or municipal ordinances. Twenty-eight (28) percent alleged child abuse or neglect. Status offenses and petitions to terminate parental rights accounted for 17 percent and 4 percent, respectively. Fourteen (14) percent involved adoptions.

PROBATE DIVISIONS

DECEDENTS' ESTATES

The 8,516 decedents' estates opened in Missouri's probate divisions was the largest number opened to date and surpasses that reported last year by 173 estates.

Continuing a trend that began several years ago, there was a decrease in the number of supervised estates opened and an increase in the number of independently administered estates opened. The courts reported just under 5,800 supervised estates opened, 274 (5 percent) fewer than last year, and 1,690 (23 percent) fewer than the 7,489 estates reported opened five years ago. In contrast, 2,717 independent estates were opened, 447 (20 percent) more than in FY 1986, and 1,979 (268 percent) more than five years ago.

The 8,513 decedents' estates closed during the year nearly equaled the number opened, and the number of pending estates grew slightly to just under 16,400 estates.

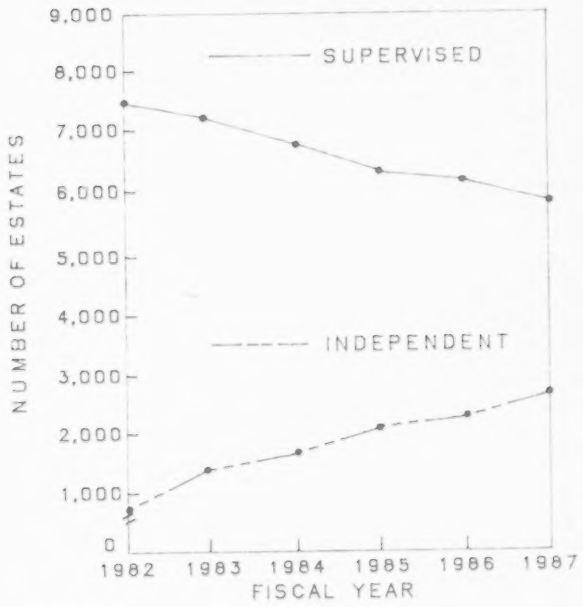
REFUSALS OF LETTERS/SMALL ESTATE AFFIDAVITS

Applications for refusals of letters totaled 5,660, the most filed in four years. Refusals of letters are used to transfer property to the spouse or unmarried minor children of a decedent or to a creditor of the estate when there is no surviving spouse or unmarried minor child. After 1982, and until this year, the number of refusals filed declined at an annual rate of 1 to 3 percent. The increase this year represents the first reversal of this downward trend.

While there were more decedents' estates opened and more refusals of letters filed this year than previously, the number of small estate affidavits was down for the second year in a row. Small estate affidavits are used to transfer property having a value of

Figure 19

PROBATE DIVISIONS
DECEDENTS ESTATES OPENED
BY TYPE OF ESTATE
FY 1982 THROUGH FY 1987



$15,000 or less to lawfully entitled persons, without the appointment of a personal representative. This year's total of 2,591 affidavits is 4 percent lower than the 2,687 affidavits filed in FY 1986 and comparable to the 2,566 affidavit filings reported in FY 1982.

INCAPACITATED/DISABLED ESTATES

Growth in the number of incapacitated/disabled estates continued this fiscal year. A record 2,856 estates were opened, an increase of 2 percent (59 cases) compared to FY 1986, and 35 percent (735 cases) compared to the 2,121 cases opened five years ago. This year's total includes 705 guardianships only, down 13 percent (109 estates) from the previous year; 133 conservatorships only, a 33 percent increase compared to the 100 estates opened in FY 1986; and 2,018 combined conservatorships and guardianships, a 7 percent increase over the number of combined estates opened last year.

The number of incapacitated/disabled person estates closed surpassed the 2,000-mark for the first time. A total of 2,023 estates were closed, up from 1,864 last year and 1,454 in FY 1982. The 1987 fiscal year ended with 15,286 incapacitated/disabled person estates pending, 833 (6 percent) more than when the year began.

MINORS' ESTATES

Totaling 1,307, the number of minors' estates opened in FY 1987 constituted an increase of 6 percent (70 estates) compared to FY 1986, and was the largest number opened in a single fiscal year. Of the total opened, 467 involved guardians only, 519 involved conservators only, and 321 involved both guardians and conservators. In the past three years, estates requiring either a conservator only or a guardian only have grown in number while the number of those requiring both guardians and conservators has gradually diminished.

Table 11

PROBATE DIVISIONS
INCAPACITATED/DISABLED ESTATES
OPENED AND CLOSED
FY 1983 THROUGH FY 1987

FISCAL YEAR	NUMBER OF ESTATES	
	OPENED	CLOSED
1983	2,342	1,494
1984	2,348	1,575
1985	2,606	1,640
1986	2,797	1,864
1987	2,856	2,023

Table 12

PROBATE DIVISIONS
GUARDIANSHIPS AND CONSERVATORSHIPS OPENED
FY 1987

	GUARDIANSHIPS	CONSERVATORSHIPS	COMBINED GUARDIAN/ CONSERVATOR	TOTAL
Minors	467	519	321	1,307
Incapacitated/ Disabled	705	133	2,018	2,856
TOTAL	1,172	652	2,339	4,163

A total of 1,053 minors' estates, 14 percent (131) more than in FY 1986, were closed during the year, leaving 6,889 estates pending at year's end.

MENTAL HEALTH PROCEEDINGS

The courts processed 5,134 applications for 96-hour commitment, treatment and rehabilitation of individuals alleged to be mentally disordered. This is the largest number processed in a single year, surpassing the previous records of 4,890 and 5,030 applications processed in FY 1985 and FY 1986 respectively. A total of 1,528 petitions for 21-day, 90-day or one-year involuntary commitment, treatment and rehabilitation, under Chapter 632, RSMo, were filed, down slightly from the number filed in FY 1986.

STRUCTURE AND JURISDICTION

The Circuit Court, composed of 44 judicial circuits, is the court with original jurisdiction in all civil and criminal cases. The Circuit Court is organized into divisions: circuit, associate, juvenile, municipal, and probate. Each division hears and decides different classes of cases within its jurisdiction. In general, the circuit division handles felony cases after the preliminary hearing, civil cases where the amount of money involved exceeds $15,000, domestic relations cases, certain misdemeanor cases, cases involving unusual procedures (such as a writ of prohibition, a writ of mandamus, quo warranto, or habeas corpus), and cases that are certified or come to the circuit division on a request for a trial de novo.

The associate division hears misdemeanor or infraction cases, and felony cases prior to the filing of information. Associate circuit judges may also hear municipal ordinance violations in municipalities that have less than 400,000 people and have no municipal judge; and matters filed in small claims courts as prescribed in Chapter 482 of Missouri's revised statutes.

By agreement of the parties, by assignment of the presiding judge or by local court rule, an associate circuit judge may hear any case pending in the Circuit Court. And, Article V, Section 6 of the Missouri Constitution allows associate circuit judges to hear any case or class of cases upon assignment by the Supreme Court.

The juvenile divisions of the Circuit Court serve persons under 17 years of age. If the juvenile court acquired jurisdiction over a child before he or she reached the age of 17, the court may retain jurisdiction until the child reaches the age of 21. However, the court does not retain jurisdiction if a child is prosecuted for any violation of state law or a municipal ordinance which he committed after he reached 17 years of age.

A child may come within the jurisdiction of the court for several reasons, including neglect and abuse, status offenses such as repeated truancy and incorrigibility, and acts committed by a child which would constitute a crime if committed by an adult. The court also hears adoption and termination of parental rights cases. State or municipal traffic ordinance violations which do not constitute a felony are not within the jurisdiction of the juvenile court.

The probate divisions of the Circuit Court administer deceased persons' estates, the estates of those who are incapacitated or disabled, and the estates of minors. The probate divisions also handle certain mental health proceedings.

Circuit judges are either elected by voters in the circuit in which they are to serve or, in St. Louis City and County and Jackson, Clay and Platte Counties, they are selected through Missouri's nonpartisan selection plan. At present, there are 133 circuit judgeships.

The Missouri Constitution mandates that each county have at least one resident associate circuit judge. Additional judges may be authorized by statute. At present there are 170 associate circuit judges, who have either been elected by the voters in the county in which they serve or, in St. Louis City and County and Jackson, Clay and Platte Counties, through the nonpartisan selection plan.

WORKLOAD MANAGEMENT

Article V, Section 6, of Missouri's Constitution, states, "the Supreme Court may make temporary transfers of judicial personnel from one court or district to another as the administration of justice requires." Reasons for judicial transfer may include judge disqualification, absence, or heavy caseload. A total of 1,297 judicial transfers were made by Supreme Court order this fiscal year. These transfers included 21 transfers to an appellate court, 919 transfers to other circuits, and 357 transfers within circuits.

Of the total transfers, 18 involved transfer of appellate judges, 279 involved transfers of circuit judges, and 967 involved transfers of associate circuit judges. Retired judges or commissioners, who, when assigned to a court, have the same powers as an active judge, were involved in 33 transfers. Of the judges participating, 21 accepted 10 or more transfers.

Also to improve disproportionate circuit-level workloads, either by order of the Supreme Court, by assignment of the presiding judge, or by local court rule, associate

Table 13

CIRCUIT COURT
PRESIDING JUDGES*
FY 1987

Circuit	Presiding Judge
1	E. Richard Webber
2	Bruce Normile
3	J. Morgan Donelson
4	Montgomery L. Wilson
5	Gary A. Fenner
6	John M. Yeaman
7	Stephen R. Pratt
8	Charles H. Sloan
9	Robert Devoy
10	Ronald R. McKenzie
11	Fred Rush
12	Edward D. Hodge
13	Frank Conley
14	Channing D. Blaeuer
15	William T. Bellamy, Jr.
16	H. Michael Coburn
17	Carl D. Gum, Jr.
18	Donald Barnes
19	Byron L. Kinder
20	Lawrence O. Davis
21	Bernhardt C. Drumm, Jr.
22	Brendan Ryan
23	Timothy J. Patterson
24	Kenneth W. Pratte
25	Douglas E. Long, Jr.
26	John E. Parrish
27	William J. Roberts
28	C. David Darnold
29	Charles E. Teel, Jr.
30	Charles V. Barker
31	J. A. Appelquist
32	Stanley A. Grimm
33	Anthony J. Heckemeyer
34	Eugene E. Reeves
35	Flake L. McHaney
36	Rex A. Henson
37	Harold L. Henry
38	James Clifford Crouch
39	William H. Pinnell
40	George Henry
41	Ronald M. Belt
42	William E. Seay
43	Kenneth R. Lewis
44	Albert F. Turner

*as of June 30, 1987

circuit judges disposed 56 percent (30,846 cases) of the domestic relations cases, 22 percent (8,017 cases) of other civil matters, 6 percent (1,034 cases) of the felony caseload, 83 percent (2,718 cases) of the municipal trials de novo, and 66 percent (2,096 cases) of the misdemeanors filed directly in or certified to the circuit divisions.

Table 14

CIRCUIT AND ASSOCIATE CIRCUIT JUDGES WHO WERE ASSIGNED 15 OR MORE TRANSFERS BY THE SUPREME COURT
FY 1987

Wm. Rex Beavers
Ronald M. Belt
James N. Bradley, Jr.
James Foley
Robert M. Heller
Patrick Horner
John R. Hutcherson
Ralph H. Jaynes
Don J. Killebrew, Jr.
Donald E. Lamb
James Moore*
John Moon
George J. Pruneau
Randolph E. Puchta
Roy L. Richter
A. J. Seier
Glen R. Simmons
J. Edward Sweeney
George S. Thompson
E. Richard Webber
Robert Yocom

*Senior judge

OFFICE OF STATE COURTS ADMINISTRATOR

Through the adoption of a constitutional amendment in 1970, the Supreme Court was granted the authority to appoint a State Courts Administrator. As the administrative staff of the Supreme Court, the Office of State Courts Administrator fulfills the administrative obligations of the Supreme Court which are mandated under the judicial article and the statutes. The office provides a wide range of administrative and technical services to Missouri's judges and to clerks and other non-judicial personnel.

Training programs and reference materials are provided for judges, clerks and other court personnel. This past year, regional clerk training sessions on new legislation, orientation programs for recently elected and appointed circuit clerks, and six Statewide Judicial Information System training sessions were conducted.

The office also distributes new administrative rules and advises of statutory changes as they occur. This February the first issue of a periodic newsletter for Circuit Court personnel was published.

The growth in child support trusteeships has had a major impact on the workload of the circuit clerks. The number of open accounts has grown from 75,000 in FY 1983 to approximately 139,000 in FY 1987; the number of payments in the same period has increased from 496,000 to approximately 952,000. In an effort to promote efficiency and effectiveness in the collection of child support payments, the Office of State Courts Administrator has worked with clerks, the Division of Child Support Enforcement, and the state auditor to develop, test, and implement model manual and automated systems to carry out the basic child support record keeping and accounting functions.

During FY 1987, the Automated Child Support Trustee System (ACSTS) was implemented on microcomputers in 16 circuit clerk's offices. With the six pilot courts already using the system, this makes a total of 22 installations of the ACSTS. Preliminary work has been done on enhancements to the ACSTS to allow multiple microcomputers in a clerk's office to use the system.

In addition to implementation of the ACSTS, the Automated Traffic Record Keeping System (ATRKS) was developed in conjunction with eight pilot courts for use in associate and municipal divisions. The system was implemented in the pilot courts in February and March, 1987. An additional six courts have purchased microcomputers for implementation of the traffic system.

After extensive research and the active involvement of clerks, a model pegboard general accounting system was developed. The model system contained one version for associate and circuit divisions, and a different version to meet the unique needs of the probate division. The Cole County Associate Circuit Division and the Miller County Circuit Clerk's office have elected to serve as the pilot courts for testing this system. At the end of the three-month testing period, recommendations from the pilot

courts will be incorporated into the system. After the incorporation of these changes, the system will be offered to all non-automated courts throughout the state.

The central transcribing service of the office prepares type-written transcripts from sound recordings when required for appeals or other purposes. This year's data reflects a 325 percent increase in the number of transcript pages prepared over the number provided in 1980, the first year this service was offered. A total of 47,109 pages were prepared; this total included 205 civil appeals, 84 criminal appeals, 183 guilty pleas and sentencings, and 28 juvenile appeals, preliminary hearings, and other matters.

The office staffs several judicial committees. In FY 1987 the **Policy Advisory Committee** (PAC), a subcommittee of the State Judicial Records Committee, reviewed and revised the Statewide Judicial Information System criminal and civil data elements as required under Administrative Rule 1 and recommended changes to the Records Committee. A restructuring of the civil nature of action codes was also recommended. The Records Committee adopted the recommendations in October, 1986. The **Clerk Handbook and Probate Clerk Handbook Committees** updated their respective handbooks to reflect recent statutory changes. The Probate Clerk Handbook Committee added mental health forms and an index.

The Office of State Courts Administrator also assists the Supreme Court in preparing a unified budget for the judicial system, provides staff support to Supreme Court committees, prepares fiscal notes for proposed legislation, tracks legislation of importance to the courts, compiles statistical and management information on the workload of Missouri's courts, maintains the statewide Circuit Court Personnel System adopted by the Supreme Court as Administrative Rule 7, and processes all funds appropriated to the Supreme Court, including those for payroll and operational expenses.

CLERK OF THE SUPREME COURT

The Clerk of the Supreme Court is responsible for a wide range of duties including the supervision of the internal administrative function of the court as well as the planning and administrative function of the Missouri Judicial Conference, the organization comprising all of the judges in the state.

The administrative duties include handling all inquiries and procedural requests from attorneys throughout the state, arranging the docketing of cases, the maintenance of files in each case before the court, the receipt and disposition of fees related to those cases, and the printing and distribution of opinions of the court. Additionally, the Supreme Court's security administrator is under the clerk's supervision.

As the provider of administrative and staff assistance to the Missouri Judicial Conference, the clerk appears before legislative committees to present the views of the conference on legislation affecting the judiciary, and to provide data and information on judicial operations as requested.

The clerk of the Supreme Court also has responsibilities relating to the Missouri Bar and the supervision of new attorneys. He maintains the official Roll of Attorneys for the State of Missouri, prepares certificates evidencing admission to the Bar, supervises the semiannual enrollment ceremonies and prepares all attorney's licenses.

Figure 20

MISSOURI STATE GOVERNMENT
FY 1987 GENERAL REVENUE EXPENDITURES

STATE TOTAL $3,220,000,000

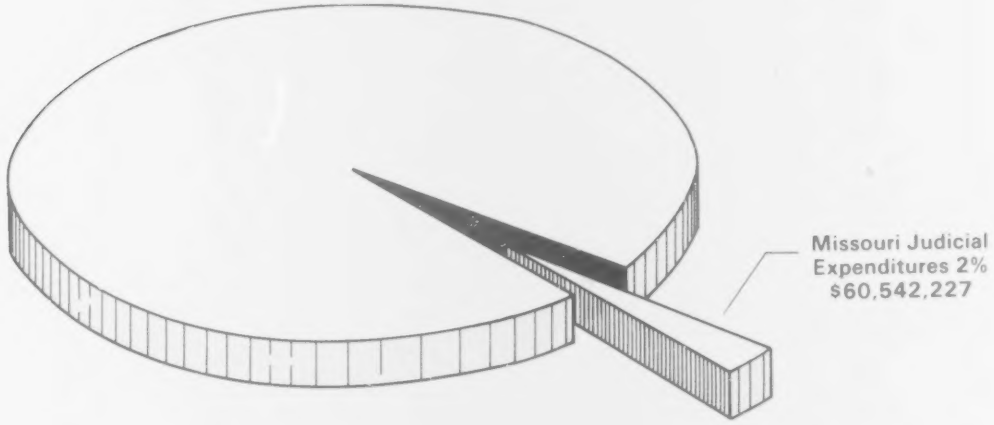
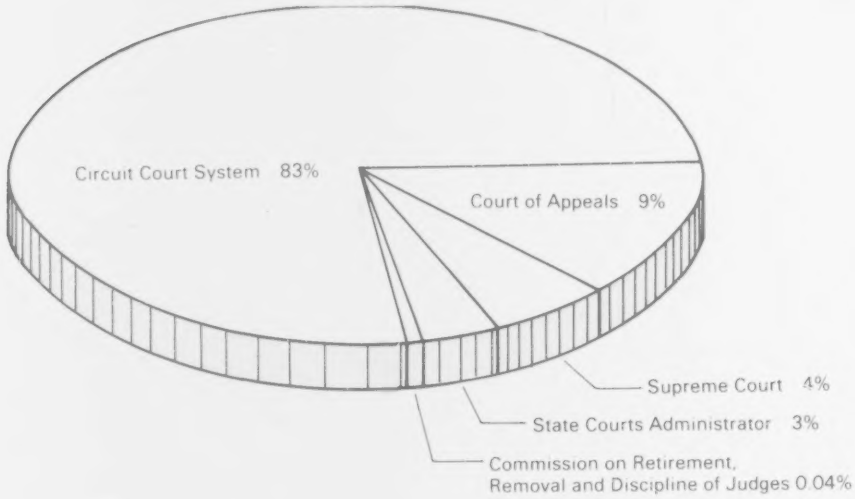


Figure 21

MISSOURI JUDICIARY
FY 1987 GENERAL REVENUE EXPENDITURES

TOTAL $60,542,227


Circuit Court System 83%
Court of Appeals 9%
Supreme Court 4%
State Courts Administrator 3%
Commission on Retirement,
Removal and Discipline of Judges 0.04%

FINANCIAL INFORMATION

For FY 1987 the state expended over $3,220,000,000 for the operation of Missouri government. Of that amount, approximately $60,542,227 or 2 percent of the total budget was disbursed to the judiciary. Of this, approximately $57,617,000 or 95 percent of judicial expenditures were for personnel costs, with the remainder allocated for operating expenses and equipment. Local governments bear almost all of the expense and equipment costs for the circuit courts. A total of $18.1 million was collected by the judiciary and submitted to the Missouri Department of Revenue from filing, transcription and court reporter fees, Crime Victims' Compensation Act judgments, county officers' compensation fund and prosecuting attorneys' training fund collections and other monies.

Through efforts of the clerks, the State General Revenue Fund received more than $980,000.00 in federal reimbursements for child support enforcement work. This is about $130,000 (13 percent) more than FY 1986 and reflects the increased participation in the child support enforcement process.

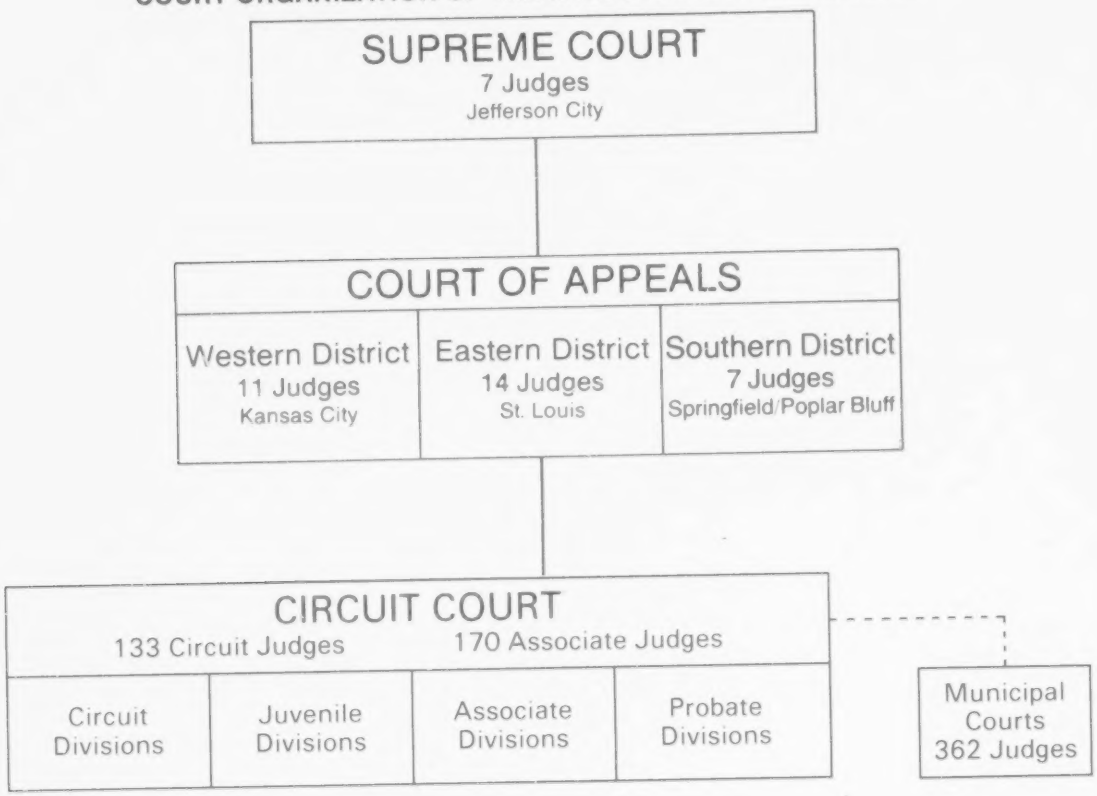
Disbursements to the Crime Victims' Compensation Act fund totaled close to $1,511,995, an increase of $340,995 (34 percent) compared to the previous fiscal year.

Crime Victims' Compensation judgments were entered against more than 49,078 defendants sentenced to prison, receiving a suspended imposition of sentence, sentenced to pay a fine, or placed under the supervision of the State Board of Probation and Parole or a county parole officer, an increase of almost 26 percent over last year's figures.

APPENDICES

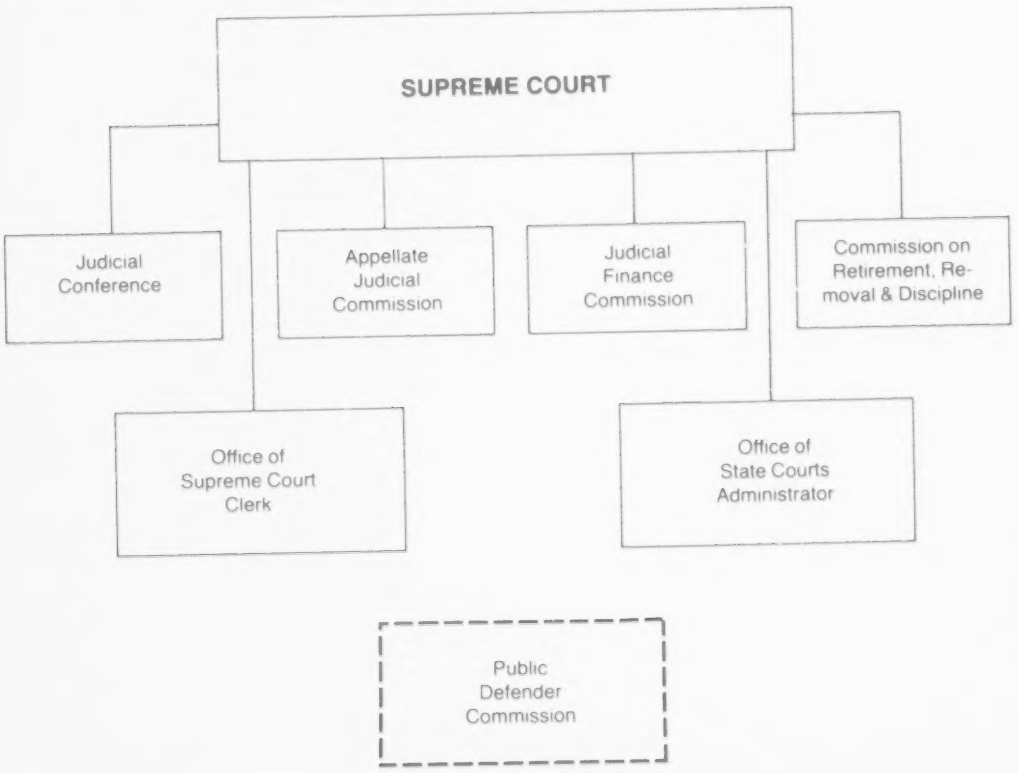
APPENDIX 1

COURT ORGANIZATION OF THE MISSOURI JUDICIAL BRANCH



APPENDIX 2

ADMINISTRATIVE ORGANIZATION OF THE MISSOURI JUDICIAL BRANCH



APPENDIX 3

COURT OF APPEALS
COUNTIES BY DISTRICT

District	Counties Included
EASTERN	Audrain, Cape Girardeau, Clark, Franklin, Gasconade, Jefferson, Knox, Lewis, Lincoln, Madison, Marion, Monroe, Montgomery, Osage, Perry, Pike, Ralls, Scotland, Shelby, St Charles, St. Francois, St. Louis, St. Louis City, Ste. Genevieve, Warren, Washington
WESTERN	Adair, Andrew, Atchison, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Carroll, Cass, Chariton, Clay, Clinton, Cole, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Jackson, Johnson, Lafayette, Linn, Livingston, Macon, Mercer, Miller, Moniteau, Morgan, Nodaway, Pettis, Platte, Putnam, Randolph, Ray, Saline, Schuyler, Sullivan, Vernon, Worth
SOUTHERN	Barry, Barton, Bollinger, Butler, Camden, Carter, Cedar, Christian, Crawford, Dade, Dallas, Dent, Douglas, Dunklin, Greene, Hickory, Howell, Iron, Jasper, Laclede, Lawrence, Maries, McDonald, Mississippi, New Madrid, Newton, Oregon, Ozark, Pemiscot, Phelps, Polk, Pulaski, Reynolds, Ripley, Scott, Shannon, St. Clair, Stoddard, Stone, Taney, Texas, Wayne, Webster, Wright

APPENDIX 4

MAJOR FUNCTIONS OF MISSOURI'S COURTS

SUPREME COURT

- Judicial proceedings of appealed cases, and of writs and motions
- Administration of the state's court system
- Admission and licensing of persons to practice law
- Promulgation of general rules relating to practice, procedure and pleadings in court
- Temporary transfer of judicial personnel

COURT OF APPEALS

- Judicial proceedings of appealed cases, and of writs and motions
- Superintending control over all courts and tribunals in the respective districts.

CIRCUIT COURT

- Judicial proceedings of all civil and criminal cases
- Determination of original remedial writs

APPENDIX 5

COURT JURISDICTION
SUPREME COURT, COURT OF APPEALS, CIRCUIT COURT

	JURISDICTION
SUPREME COURT	Exclusive jurisdiction over cases involving: — validity of U.S. treaty or statute — validity of Mo. statute or constitutional provision — construction of State revenue laws — title to state office — cases where there is a death sentence Cases transferred from Court of Appeals Writs and Motions
COURT OF APPEALS	All appeals not within exclusive jurisdiction of Supreme Court Original jurisdiction over remedial writs
CIRCUIT COURT	
Circuit Divisions	Original jurisdiction over all civil and criminal cases
Juvenile Divisions	Juvenile cases
Associate Divisions	Civil matters under $15,000, an increase from $5,000 effective January 1987. Small claims cases Misdemeanors/infractions Felonies prior to filing of the information Traffic cases
Probate Divisions	Decedents', minors', incapacitated/disabled estates, mental health proceedings
Municipal Courts	Municipal traffic and ordinance violations of the individual municipality. These may be heard and determined by an associate circuit judge as provided by 479.040 RSMo 1986.

APPENDIX 6

JUDICIAL QUALIFICATIONS AND SELECTION

SUPREME COURT

U.S. Citizen: 15 years
Missouri Voter: 9 years
Age: 30-70
Missouri license to practice law
Length of term: 12 years
Selection: Nonpartisan Court Plan

Chief Justice:
Length of term: generally 2 years
Selection: by court en banc

COURT OF APPEALS

U.S. Citizen: 15 years
Missouri Voter: 9 years
Age: 30-70
Missouri license to practice law
Length of term: 12 years
Resident of district in which serve
Selection: Nonpartisan Court Plan

Chief Judge:
Length of term: fixed by district
Selection: by Court of Appeals judges in district

CIRCUIT COURT

Circuit Judge

U.S. Citizen: 10 years
Missouri Voter: 3 years
Age: 30-70
Missouri license to practice law
Resident of Circuit: 1 year
Length of term: 6 years
Selection: Nonpartisan Court Plan in Circuits 6, 7, 16, 21, 22. Otherwise, elected by voters of circuit.

Associate Circuit Judge

Missouri Voter
Age: 25-70
Missouri license to practice law
Resident of county
Length of term: 4 years
Selection: Nonpartisan Court Plan in Circuits 6, 7, 16, 21, 22. Otherwise, elected by voters in county.

Municipal Courts

Missouri resident
Age: under 75
Missouri license to practice law if population is 7500 or more. If not an attorney must complete course prescribed by Supreme Court.
Other qualifications as set by municipality.
Length of term: Not less than two years.
Selection: Appointed or elected by voters of municipality.

APPENDIX 7

JUDICIAL ADMINISTRATIVE ORGANIZATIONS: COMPOSITION AND FUNCTIONS

JUDICIAL CONFERENCE (Section 476.320-476.380 RSMo 1986)
- Comprised of all active and retired judges
- Conducts annual meetings of all judges
- Studies the organization, rules, procedures, practices and accomplishments of the judiciary
- Provides recommendations on legislation affecting the judiciary to the General Assembly

APPELLATE JUDICIAL COMMISSION (Missouri Constitution, Article V, Section 25)
- Comprised of one member of the Supreme Court, three members of the bar and three citizens
- Nominates and submits to the governor names of persons for judicial appointment to the Supreme Court or Court of Appeals

JUDICIAL FINANCE COMMISSION (Section 477.600 RSMo 1986)
- Comprised of seven members with at least one member each of a first class, second class and third class county governing body
- Examines the circuit court budget request upon petition by a county and issues a written opinion as to its reasonableness
- Maintains records of the cost and expenses of judicial and law enforcement agencies in each county
- Prepares an annual report on the finances of the judicial department

COMMISSION ON RETIREMENT, REMOVAL AND DISCIPLINE (Missouri Constitution, Article V, Section 24)
- Comprised of two citizens, two members of the bar, one judge of the Court of Appeals and one judge of the Circuit Court
- Receives and investigates requests for retirement for disability and complaints concerning misconduct of any judge or member of any judicial commission
- Recommends to the Supreme Court the retirement, removal or discipline of any judge or member of any judicial commission

CLERK OF THE SUPREME COURT (Missouri Constitution, Article V, Section 4)
- Manages judicial proceedings function of Supreme Court
- Provides legal research assistance to the Court
- Publishes:
  Appellate Court Opinion Summary
  Pending Issues Digest
- Provides staff support to Missouri Judicial Conference
- Serves as Treasurer of Missouri Bar and as Secretary to State Board of Law Examiners
- Serves as liaison between Court and committees that formulate rules and instructions
- Provides staff support to the Judicial Finance Commission

STATE COURTS ADMINISTRATOR (Missouri Constitution, Article V, Section 4)
- Administers the statewide judicial personnel system
- Prepares state judicial budget
- Processes payment for all judicial compensation and expenditures of the judiciary from general revenue
- Administers programs of judicial education
- Maintains Statewide Judicial Information System
- Prepares *Missouri Judicial Report*
- Prepares requests for judicial transfers
- Provides staff support to various committees of the Supreme Court
- Maintains Central Transcription Service
- Prepares fiscal notes for proposed legislation
- Provides administrative and technical assistance to courts including maintenance and placement of microfilm cameras, computer related assistance, preparation and distribution of legislative summaries and development of clerk training programs

PUBLIC DEFENDER COMMISSION (Section 600.015-600.017 RSMo 1986)
- Comprised of three citizens, three lawyers and one member of the Supreme Court
- Oversees the State Public Defender System
- Appoints the director of the Office of State Public Defender